

## Chapter 8

### BUILDING AND CONSTRUCTION REGULATIONS<sup>??</sup>

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### ARTICLE I. IN GENERAL

#### Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning. Additional terms and definitions are found in the adopted construction codes:

*Board* shall mean the construction board of appeals of the city as appointed by the city council.

*Building official* shall mean the officer or other designated authority, or his duly authorized

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<sup>1</sup>**Cross references**—Airport zoning, § 7-51 et seq.; fire prevention and protection, Ch. 11; flood damage prevention, Ch. 12; housing discrimination, § 14-26 et seq.; mobile homes and travel trailer parks, Ch. 17; planning and development, Ch. 21; subdivisions and other developments, Ch. 26; water, sewers and sewage disposal, Ch. 30; zoning, Ch. 31.

**State law reference**—Authority to enforce ordinances necessary to protect and preserve health, property, good government and order, V.T.C.A., Local Government Code § 54.004.

representative, charged with the administration and enforcement of this chapter.

*Construction codes* shall mean the adopted construction codes and regulations listed within this chapter as amended.

*Department* shall mean the building and inspections department of the city.

*Homeowner* shall mean person or persons residing in a single-family dwelling that is lawfully recorded as his or her homestead.

*Inspector* shall mean an employee of the city duly authorized and charged with the enforcement of this chapter under the direction of the building official.

*Project* shall mean any new construction, addition, alteration, demolition or repair of a building or structure within the city of Killeen, which requires a construction permit.

*Registered contractor* shall mean any person lawfully registered with the city and possessing any and all state required licenses, certifications, endorsements and/or registrations required to perform such regulated work who is engaged in a business of installation or altering, by contract, a structure or equipment to whom permits may be issued to. It shall include any authorized person, whether actually doing work or not, and any authorized person who subcontracts to do such work, but does not include bona fide employees employed by such contractor to do or supervise such work.

*Registration* shall mean the contractor registration by type(s) issued by the city under this chapter.

*Registration year* shall mean the calendar year, from January first to December thirty-first. (Ord. No. 90-38, § I (5-2-1), 5-8-90; Ord. No. 93-90, § II, 9-28-93; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 11-009, § I, 2-8-11)

## **Sec. 8-2. Penalty.**

Unless stated otherwise, violations of this chapter shall be punished as provided in section 1-8. (Ord. No. 02-24, § I, 5-28-02)

## **Secs. 8-3--8-10. Reserved.**

# **ARTICLE II. ADMINISTRATION**

## **DIVISION 1. PERMIT FEES**

## **Sec. 8-11. Fees.**

(a) *New single-family residential construction.* All fees for new single-family residential construction shall be calculated at a rate of eleven and a half cents (\$0.115) per square foot based

on the total square footage under roof. This fee includes permits for the structure, electrical, mechanical, plumbing, flatwork, certificate of occupancy, and plans review. This fee does not include permits for fences, storage buildings, accessory structures, lawn irrigation, whole house water softener units, or swimming pools.

(b) *Multifamily, commercial, etc., construction. All fees are based on total square footage.* The fee for new construction for duplexes, townhouses, multifamily, all commercial (except shell buildings, warehouses and parking garages), and all additions to square footage under roof, (includes storage buildings, patio covers, modular/portable buildings and carports) shall be as follows:

<i>Building Area Square Feet</i>	<i>Building</i>	<i>Electrical</i>	<i>Mechanical<sup>(1)</sup></i>	<i>Plumbing<sup>(2)</sup></i>	<i>Plans</i>
500 or less	\$ 30.00	\$ 30.00	\$ 30.00	\$30.00	\$ 30.00
501--1,000	70.00	40.00	40.00	40.00	60.00
1,001--1,500	100.00	40.00	40.00	40.00	85.00
1,501--2,000	130.00	50.00	40.00	50.00	110.00
2,001--2,500	160.00	60.00	40.00	60.00	140.00
2,501--3,000	190.00	70.00	40.00	70.00	160.00
3,001--3,500	220.00	80.00	45.00	80.00	185.00
3,501--4,000	250.00	90.00	50.00	90.00	210.00
4,001--4,500	280.00	100.00	55.00	100.00	235.00
4,501--5,000	310.00	110.00	60.00	110.00	260.00
5,001--5,500	340.00	120.00	65.00	120.00	285.00
5,501--6,000	370.00	130.00	70.00	130.00	310.00
6,001--6,500	400.00	140.00	70.00	140.00	335.00
6,501--7,000	430.00	150.00	80.00	150.00	360.00
7,001--7,500	460.00	160.00	85.00	160.00	385.00
7,501--8,000	490.00	170.00	90.00	170.00	410.00
8,001--8,500	520.00	180.00	95.00	180.00	435.00
8,501--9,000	550.00	190.00	100.00	190.00	460.00
9,001--9,500	580.00	200.00	105.00	200.00	485.00
9,501--10,000	610.00	210.00	110.00	210.00	510.00
10,001--15,000	915.00	315.00	165.00	315.00	765.00
15,001--20,000	1215.00	415.00	215.00	415.00	1015.00
20,001--25,000	1515.00	515.00	265.00	515.00	1265.00
25,001--30,000	1815.00	615.00	315.00	615.00	1515.00
30,001--35,000	2115.00	715.00	365.00	715.00	1765.00
35,001--40,000	2415.00	815.00	415.00	815.00	2015.00
40,001--45,000	2715.00	915.00	465.00	915.00	2265.00
45,001--50,000	3015.00	1015.00	515.00	1015.00	2515.00

The fee for structures over 50,000 square feet is determined by combining fees to equal the square footage.

For duplexes add:

\$30.00 for electrical.

\$30.00 for mechanical.

\$30.00 for plumbing.

For apartments, hotels and motels add:

\$10.00 per unit for building.

\$10.00 per unit for electrical.

\$10.00 per unit for mechanical.

\$10.00 per unit for plumbing.

\$10.00 per unit for fire sprinkler.

*Note:*

(1) Mechanical--Air conditioning, heating, ventilation, exhaust and refrigeration systems.

(2) Plumbing--All connections to a water or sewerage system. Fire sprinkler and gas pipe systems are to be permitted separately. The plumbing fee column shall be used for new fire sprinkler and gas piping systems.

(c) *Shell buildings, etc.* The fees for shell buildings without interior finish, warehouses and parking garages shall be as follows:

<i>Building Area Square Feet</i>	<i>Building</i>	<i>Electrical</i>	<i>Mechanical<sup>(1)</sup></i>	<i>Plumbing<sup>(2)</sup></i>	<i>Plans</i>
500 or less	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00
501--1,000	60.00	40.00	40.00	40.00	50.00
1,001--1,500	85.00	40.00	40.00	40.00	70.00
1,501--2,000	110.00	40.00	40.00	40.00	90.00
2,001--2,500	135.00	50.00	40.00	50.00	110.00
2,501--3,000	160.00	55.00	40.00	55.00	130.00
3,001--3,500	185.00	60.00	40.00	60.00	150.00
3,501--4,000	210.00	70.00	40.00	70.00	170.00
4,001--4,500	235.00	80.00	40.00	80.00	190.00
4,501--5,000	260.00	85.00	40.00	85.00	210.00
5,001--5,500	285.00	90.00	40.00	90.00	230.00
5,501--6,000	310.00	100.00	40.00	100.00	250.00
6,001--6,500	335.00	105.00	45.00	105.00	270.00
6,501--7,000	360.00	115.00	50.00	115.00	290.00
7,001--7,500	385.00	120.00	50.00	120.00	310.00
7,501--8,000	410.00	120.00	50.00	120.00	330.00
8,001--8,500	435.00	130.00	55.00	130.00	350.00
8,501--9,000	460.00	140.00	55.00	140.00	370.00
9,001--9,500	485.00	160.00	55.00	160.00	390.00

9,501--10,000	510.00	170.00	60.00	170.00	410.00
10,001--15,000	765.00	240.00	90.00	240.00	615.00
15,001--20,000	1015.00	315.00	115.00	315.00	815.00
20,001--25,000	1265.00	390.00	140.00	390.00	1015.00
25,001--30,000	1515.00	465.00	165.00	465.00	1215.00
30,001--35,000	1765.00	540.00	190.00	540.00	1415.00
35,001--40,000	2015.00	615.00	215.00	615.00	1615.00
40,001--45,000	2265.00	690.00	240.00	690.00	1815.00
45,001--50,000	2515.00	765.00	265.00	765.00	2015.00

The fee for structures over 50,000 square feet is determined by combining fees to equal the square footage.

*Note:*

- (1) Mechanical--Air conditioning, heating, ventilation, exhaust and refrigeration systems.
- (2) Plumbing--All connections to a water or sewerage system. Fire sprinkler and gas pipe systems are to be permitted separately. The plumbing fee column shall be used for new fire sprinkler and gas piping systems.

(d) *Finishing, repairs, maintenance, other.* The fee for remodeling, alterations, repairs, finish-out of shell buildings, and other construction, including swimming pools, fences, flatwork (concrete/asphalt), signs, gas tanks/pumps, lawn irrigation, whole house water softeners, etc., shall be as follows:

<i>Dollar Valuation<sup>(3)</sup></i>	<i>Building</i>	<i>Electrical</i>	<i>Mechanical<sup>(1)</sup></i>	<i>Plumbing<sup>(2)</sup></i>	<i>Plans</i>
\$ 0--2000.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00
2000.01--3000.00	33.00	26.00	25.00	26.00	33.00
3000.01--4000.00	43.00	35.00	26.00	35.00	43.00
4001.01--5000.00	54.00	43.00	33.00	43.00	54.00
5001.01--6000.00	65.00	52.00	39.00	52.00	65.00
6001.01--7000.00	76.00	61.00	46.00	61.00	76.00
7001.01--8000.00	87.00	69.00	52.00	69.00	87.00
8001.01--9000.00	98.00	78.00	59.00	78.00	98.00
9001.01--10,000.00	109.00	87.00	65.00	87.00	109.00
10,000.01--11,000.00	119.00	95.00	72.00	95.00	119.00
11,000.01--12,000.00	130.00	104.00	78.00	104.00	130.00
12,000.01--13,000.00	141.00	113.00	85.00	113.00	141.00
13,000.01--14,000.00	152.00	122.00	91.00	122.00	152.00
14,000.01--15,000.00	163.00	130.00	98.00	130.00	163.00
Plus per \$1000.00 over \$15,000.00	6.00	5.00	4.00	5.00	6.00
50,000.01--100,000.00	373.00	305.00	238.00	305.00	373.00

Plus per \$1000.00	5.00	4.00	3.00	4.00	5.00
Over \$50,000.00					
100,000.01--500,000.00	623.00	505.00	388.00	505.00	623.00
Plus per \$1000.00	4.00	3.00	2.00	3.00	4.00
Over \$100,000.00					
500,000.01--up	2223.00	1705.00	1188.00	1705.00	2223.00
Plus per \$1000.00	1.00	1.00	1.00	1.00	1.00
Over \$500,000.00					

*Note:*

- (1) Mechanical--Air conditioning, heating, ventilation, exhaust and refrigeration systems.
- (2) Plumbing--All connections to a water or sewerage system. Fire sprinkler and gas pipe systems are to be permitted separately. The plumbing fee column shall be used for new fire sprinkler and gas piping systems.
- (3) Permit fees are calculated from the total project value (sum total of the applicable building, electrical, mechanical, plumbing, gas, and fire sprinkler systems). However, no single such individual permit fee shall exceed 50% of its own individual value.

(e) *Miscellaneous.* The following miscellaneous fees shall be charged:

- (1) Demolition/move structure, per structure \$25.00
- (2) Failed inspection penalty (any kind),  
per inspection \$30.00
- (3) Food dealer's permit, per year \$50.00
- (4) Mobile food service permit, per unit \$5.00
- (5) Temporary final utility service, per service  
(electric, water, or gas) \$15.00
- (6) Temporary electric service pole, per pole \$15.00
- (7) Mobile home park license, per year
  - a. 1-20 units \$175.00
  - b. 21-50 units \$275.00
  - c. 51-120 units \$450.00
  - d. 121-200 units \$690.00
  - e. 201-300 units \$1,000.00
  - f. 301 units and above \$1,300.00
- (8) Construction registration, per year: \$60.00
- (9) Appeals:
  - a. Construction board of appeals,  
per request \$275.00
  - b. Zoning board of adjustments and appeals,  
per request \$275.00
- (10) Certificate of occupancy
  - a. New Certificate of Occupancy \$90.00
  - b. Partial or temporary Certificate  
of Occupancy (each) \$90.00

c. Lost or replacement (reprint)	
Certificate of Occupancy	\$5.00
(11) Curb cut permit	\$23.00
(12) Street cut permit	\$56.00
(13) Flood plain permit	\$25.00
(14) Landscape permit/R-3 and R-3F	
(with only one structure on one lot)	\$15.00
(15) Landscape permit/commercial and R-3A	\$25.00
(16) Residential off-premise real estate sign - first sign - \$25.00 per calendar year;	
each sign tag thereafter in the same calendar year	\$1.00
(17) Commercial kitchen hood permit (each):	
Type I Hood (grease and smoke)	\$50.00
Type II Hood (smoke and/or steam)	\$25.00

(f) *Fee adjustment.* Owner of an expired permit may make written request within 30 days after date of expiration to the building official to reinstate said permit and shall be charged a fee of one-half the amount required for a new permit for such work, provided no changes have been made in the original plans and specifications for such work.

(g) *Penalty.* Where construction is commenced before a permit is obtained, the permit fees shall be doubled.

(h) *Occupy without a certificate of occupancy.* It shall be an offense for any registered general contractor, whether commercial or residential, to allow an owner or tenant of property to occupy a new or remodeled building or space before the contractor obtains a certificate of occupancy. Upon conviction, a person violating this section shall be fined in an amount not less than two hundred fifty dollars (\$250) nor more than two thousand dollars (\$2000). For the second or subsequent conviction within a twelve month period, such person shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2000). Each day a violation continues shall constitute a separate and distinct offense and shall be punishable as such.

(i) *Fees waived.* Projects for city owned facilities requiring permits shall be exempt from permit fees. However, contractors shall be responsible for contractor registration, construction trailers and/or other temporary construction structures, failed inspection penalties, or other penalties and fees.

(Ord. No. 90-40, § I (5-4-1), 5-8-90; Ord. No. 92-67, § I, 9-8-92; Ord. No. 93-90, § I, 9-28-93; Ord. No. 00-65, § V, 8-29-00; Ord. No. 02-24, § I, 5-28-02; Ord. No. 05-76, § I, 9-13-05; Ord. No. 06-18, § I, 2-14-06; Ord. No. 06-135, § I, 12-19-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 10-003, § VII, 2-9-10; Ord. No. 11-009, § I, 2-8-11)

## **Secs. 8-12--8-20. Reserved.**

**Editor's note**—Ordinance No. 02-43, § I, adopted August 27, 2002, repealed § 8-12 in its entirety. Formerly, said section pertained to the exemption for political subdivisions and derived from Ord. No. 90-40, § I(5-8-2), adopted May 8, 1990.

## DIVISION 2. BUILDING AND INSPECTIONS DEPARTMENT<sup>??</sup>

### **Sec. 8-21. Established.**

There is hereby established a department to be called the building and inspections department and the person charged with the administration and enforcement of this chapter shall be known as the building official. (Ord. No. 90-109, § I (9-2-2(a)(B)), 11-27-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 11-009, § I, 2-8-11)

### **Sec. 8-22. Restrictions on employees.**

An inspector or employee connected with the department shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building system, or in the making of plans or of specifications thereof, unless he or she is the owner of such building. Such inspector or employee shall not engage in any other work which is inconsistent with his duties or conflicts with the interests of the department. (Ord. No. 90-109, § I (9-2-2(a)(B)(4)), 11-27-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 11-009, § I, 2-8-11)

### **Sec. 8-23. Permit required and issuance.**

a. *Permit required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

b. *Permit issuance.* Construction permits shall only be issued to a registered contractor or to a homeowner as defined in this chapter performing such work with their own hands. (Ord. No. 06-18, § I, 2-14-06; Ord. No. 11-009, § I, 2-8-11)

### **Sec. 8-24. Single permit projects.**

Projects with only one permit required shall be issued only to the registered contractor performing such work or to the homeowner as defined in this chapter performing such work with their own hands. (Ord. No. 06-18, § I, 2-14-06)

### **Sec. 8-25. Multi-permit projects.**

Projects requiring more than one permit issuance shall be issued to a registered general contractor. The contractor is responsible for all inspections, failed inspection penalties, and any other fees. (Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

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<sup>1</sup>**Cross reference**—Officers and employees, § 2-31 et seq.



## **Sec. 8-26. Permit application and plan review.**

a. *Application review time.* Construction permit applications shall be reviewed and either approved or disapproved within 45 calendar days from the date submitted. Such applications shall be submitted on forms furnished by the permits and inspections department. In addition, the applicant shall provide all necessary technical data sufficient to perform the permit review. The permits and inspections department shall provide written notice and reasons why the city is unable to grant the permit application.

b. Project submittals.

- (1) Project submittals for the construction of new buildings, additions and other development shall include documents necessary for the review and approval of the proposed land use development, the proposed private and/or public water, sewer and drainage infrastructure to include the proposed connections to all public infrastructure, the proposed connectivity and access to public streets, the proposed landscaping plan, if required, and all details of the proposed building to include its plumbing, electrical, mechanical, energy and other system requirements for the project.
- (2) Projects proposing more than one building will require a separate permit application for each building.
- (3) Permit applications for shell building construction shall not be combined with an interior finish out work permit.
- (4) Construction projects for a new building proposing more than one tenant space may be permitted as new construction in accordance Section 8-11 (b) if the entire building is to be completed and all tenant spaces will be ready for tenant use before any one space is used. The entire building project shall be completed prior to the issuance of a final certificate of occupancy for any tenant space.

(Ord. No. 06-18, § I, 2-14-06; Ord. No. 11-009, § I, 2-8-11)

## **Sec. 8-27. Expired permit application.**

Construction permit applications shall expire 45 calendar days from the date such permit has been either approved and applicable fees remain unpaid or remains disapproved for more than 45 calendar days. The building official may grant an additional 30-day extension upon written evidence justifying the delay to complete the permit issuance. (Ord. No. 06-18, § I, 2-14-06)

## **Sec. 8-28. Expired permit.**

Construction permits issued shall become invalid because of failure to commence work within 180 days after the issuance of the permit, when work is suspended or abandoned for a period of 180 days after the time the work is commenced, or failure to perform substantial amount of work authorized by such permit within 180 days after the issuance of the permit. The building official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested by the applicant in writing and justifiable cause

demonstrated. (Ord. No. 06-18, § I, 2-14-06; Ord. No. 11-009, § I, 2-8-11)

#### **Sec. 8-29. Inspections required.**

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. (Ord. No. 11-009, § I, 2-8-11)

#### **Sec. 8-30. Inspection penalty fees paid.**

Inspection penalty fees (re-inspection fees) shall be paid upon notice and before the project's final inspection and/or certificate of occupancy is issued. Contractors or applicants more than 30-days past due on any failed inspection penalty fees shall be suspended from further inspections until the past due amount is paid in full. (Ord. No. 11-009, § I, 2-8-11)

#### **Sec. 8-31. Limitations on buildings and structures placed in easements.**

Buildings, accessory buildings or structures, in-ground swimming pools and above ground swimming pools over twenty-four inches (24") inches in height are prohibited from being placed in public utility easements. Fences and landscaping (excluding trees) may be placed over public utility easements; however, these obstructions are subject to removal by the City or utility provider, at the landowner's sole expense, when access to the easement is necessary for the installation, removal, replacement and/or maintenance of utilities. In addition, no buildings, accessory buildings, swimming pools, fences or other objects that may impede the functionality of a drainage easement shall be permitted to encroach into any public drainage easement without prior written approval from the Director of Public Works or his designee. (Ord. No. 11-009, § I, 2-8-11)

#### **Secs. 8-32--8-35. Reserved.**

### **DIVISION 3. CONSTRUCTION BOARD OF APPEALS<sup>??</sup>**

#### **Sec. 8-36. Membership.**

(a) There shall be a board to be called the construction board of appeals, which shall consist of seven (7) members as follows:

- (1) An architect.
- (2) An engineer.

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<sup>1</sup>**Cross reference**—Boards, commissions generally, § 2-116 et seq.

- (3) A mechanical contractor.
- (4) A representative from the county health department.
- (5) A general contractor/builder.
- (6) An electrical contractor.
- (7) A plumbing contractor.

(b) Up to two (2) alternate members with similar qualifications as one of the members listed above may be appointed, who shall serve in the absence of one (1) or more of the regular members.

(c) Members and alternates shall serve for terms of three (3) years or until their successors are appointed.  
(Ord. No. 90-39, § I (5-3-1), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

### **Sec. 8-37. Jurisdiction.**

(a) The construction board of appeals shall hear appeals and requests for variances, as provided in this chapter. The board shall have no authority to waive requirements of the construction standards adopted in this chapter. However, the board may consider modifications of the adopted construction standards.

(b) The term “board” or similar term in such construction codes shall mean the construction board of appeals and all characteristics and duties of such board shall be as provided herein.

(c) The board shall hold hearings for the revocation or suspension of a holder of contractor’s registration as set forth in this chapter.

(d) The board shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this chapter. A majority vote is required to overturn a decision made by the building official.

(e) The board shall hold hearings regarding dangerous buildings, structures, or building portions and its systems.

(f) The board shall hear and decide appeals or variances to the landscape regulations.  
(Ord. No. 90-39, § I (5-3-2), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

### **Sec. 8-38. Quorum.**

Four (4) members of the board shall constitute a quorum. The concurring vote of four (4) members of the board shall be necessary to modify an order of the building official or to vary the application of any provision of the construction codes over which it has jurisdiction. (Ord. No. 90-39, § I (5-3-3), 5-8-90; Ord. No. 02-24, § I, 5-28-02)

### **Sec. 8-39. Procedures.**

The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this article. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. (Ord. No. 90-39, § I (5-3-4), 5-8-90; Ord. No. 02-24, § I, 5-28-02)

### **Sec. 8-40. Appeals and hearings.**

(a) *General.* The board shall hear all appeals from the decision of the building official and shall hear all requests for variances from the provisions of this chapter. Such appeals and variances shall be limited to the following situations:

- (1) When the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the installation, construction, or alteration of a building, structure, electrical system, plumbing system, gas system, mechanical system, energy conservation system, landscaping requirements, or swimming pool or other system regulated by this chapter; or
- (2) When appellant claims that the provisions of the construction codes over which the board has jurisdiction do not apply or that any equally good or more desirable form of installation can be employed in a specific case; or
- (3) When appellant claims that the true intent and meaning of the construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted; or
- (4) When appellant claims any matter related to the securing of a dangerous structure in accordance with the provisions of section 8-390 or emergency; or
- (5) When a structure is unsecured, dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare. A hearing shall be conducted by the board to determine whether the structure complies with the standards set out in the adopted construction codes in this chapter and order the repair, rehabilitation, demolition, or removal of the structure if violations exist. The board may also order the structure to be vacated.

(b) *Notice of appeal.* Notice of appeal shall be in writing and filed with the required application fee within thirty (30) days after the decision is rendered by the building official. Appeals shall be on forms provided by the building official.

*Exception:* In case of building construction or alteration, plumbing installation, electrical installation, mechanical installation, gas installation or swimming pool construction which, in the opinion of the building official, is unsafe or dangerous, the official may, in his order, limit time for such appeal to a shorter period but never less than ten (10) days.

(c) *Regulation of unsafe buildings or other structures.* The board shall preside over hearings required by article V of this chapter.  
(Ord. No. 90-39, § I (5-3-5), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

## **Sec. 8-41. Decisions.**

(a) *Appeals.* After a hearing, the board may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of said codes or public interest, or when, in its opinion, the interpretation of the building official should be modified or reversed, provided the board does not waive requirements of the construction standards adopted in this chapter. However, the board may consider modifications of the adopted construction standards.

(b) *Action.* The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official, or varies the application of any provision of the construction codes over which it has jurisdiction, the building official shall immediately take action in accordance with such decision.

(c) *Decisions final.* Every decision of the board shall be final, subject to appeal to the district court of the county, provided such appeal is made within thirty (30) days from rendition of such decision.

(Ord. No. 90-39, § I (5-3-6), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

## **Sec. 8-42. Advisory responsibility.**

The board shall submit to the city council such recommendations for the adoption of the construction codes as it may from time to time deem necessary and to establish the minimum requirements to safeguard the public health, safety and general welfare, and provide safety to life and property from fire and other hazards attributed to the built environment. (Ord. No. 90-39, § I (5-3-7), 5-8-90; Ord. No. 02-24, § I, 5-28-02)

## **Secs. 8-43--8-59. Reserved.**

# **ARTICLE III. CONSTRUCTION CONTRACTORS<sup>??</sup>**

## **Sec. 8-60. Required; scope.**

(a) Before any person shall perform, contract to perform, or obtain a permit to perform a construction operation within the city limits for which a permit is required under this chapter, he or she shall first obtain a construction registration issued by the city. This registration does not substitute for any permit required under this chapter, nor does it substitute for any license required under this chapter or under state law.

(b) Issuance of the registration is conditioned that the person engaged in the construction operation shall faithfully observe all of the ordinances pertaining to this chapter, as now written

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<sup>1</sup>**Cross reference**—Licenses, permits and miscellaneous business regulations, ch. 15.

or as they may hereafter be amended, and shall faithfully observe, as well, any and all state laws governing construction operations performed under this chapter or as they may hereafter be amended; further, that the city shall be indemnified and saved harmless from all claims arising from accidents and any damage of any character whatsoever caused by the negligence of such person engaged in any construction operation, or by any other unfaithful or inadequate work done either by such person, or his agents or employees.

(c) It shall be unlawful to perform or contract to perform a construction operation within the city limits without first obtaining a construction registration issued by the city as described in this article.

(d) No construction registration shall be required for a construction operation solely performed by a homeowner in a building owned and occupied by him or her as his or her homestead. Requirements for applicable permits, inspections, and fees remain in effect.

(Ord. No. 90-37, § I (5-1-2), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09)

#### **Sec. 8-61. Application for registration; updates.**

(a) Persons shall file an application for a registration with the department, on a form provided by the department, giving full name, residence address, name and address of business, type of construction operation to be performed, proof of state license where required, persons authorized to obtain permits, and such additional information as may be needed for proper guidance of the department in issuing the registration.

(b) The registrant shall update the application for registration upon the expansion of types of construction operations, change in persons authorized to obtain permits, or upon addition of state-licensed workers not already recorded on the original application. Such update shall be recorded by the department at no charge to the registrant.

(c) The registrant shall notify the department of change of address.

(d) *Types of contractor registrations:*

1. *General contractor.* A responsible person or company to oversee the project, ensure that all required permits and fees for a total project are obtained and to ensure that all required inspections are performed for compliance with the adopted construction codes.
2. *Electrical contractor.* A responsible person or company that possesses a valid license by the Texas Department of Licensing and Regulation (TDLR) to contract and perform electrical work.
3. *Plumbing contractor.* A person that possesses or a company that employs a Responsible Master Plumber licensed by the Texas State Board of Plumbing Examiners (TSBPE) to contract or perform plumbing work.
4. *Mechanical contractor.* A person or company lawfully licensed by the Texas Department of Licensing and Regulation (TDLR) to contract and perform mechanical

work.

5. *Fire sprinkler contractor.* A person or company that employs a person as who is lawfully licensed by the State Fire Marshal's office as possessing a person with a Responsible Managing Employee (RME) License.
6. *Sign contractor.* A person or company that permits, installs, repairs or makes changes to all types of signs. Such person or company must possess a valid Electrical Sign Contractor License issued by the Texas Department of Licensing and Regulation (TDLR) to perform such work. The installation of non-electrical portable signs and/or banners does not require a contractor registration.
7. *Lawn irrigator contractor.* A person or company that possesses a valid irrigator's license issued by the Texas Commission on Environmental Quality (TCEQ).
8. *Whole house water softener contractor.* A person possessing or a company employing a person who possesses a valid Water Treatment Specialist Class 2 or 3 license issued by the Texas Commission on Environmental Quality (TCEQ).
9. *Swimming pool contractor.* A person or company who contracts to install swimming pools and/or hot tubs.

(e) *Contractor types not defined.* Contractor types not listed above shall be considered a general contractor. A person or company may be issued more than one type of registration, as he or she may be qualified. All contractors required to possess state licenses, certifications, endorsements and/or registrations shall provide proof of such in order to permit or work within the city.

(Ord. No. 90-37, § I (5-1-3), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

#### **Sec. 8-62. Fees.**

(a) Fees for registrations shall be paid at time of application. Fees shall be in accordance with the fee schedule established in this chapter, paid per calendar year, renewable each January first.

(b) When a contractor has not engaged in business until after the expiration of part of the current registration year, the fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09)

#### **Sec. 8-63. Issuance or refusal.**

The registration required by this article shall be issued or refused in writing not more than ten (10) days after the application has been made. If the registration is refused, the reasons for the refusal shall be given in writing. Nothing in this article shall be interpreted as granting or attempting to grant to any city inspector or employee any discretionary authority to issue a registration or to refuse to issue a registration. Registrations shall be issued to each applicant complying with all applicable state laws and city ordinances, and registrations shall be refused for any applicant failing to comply with all such applicable laws and ordinances. (Ord. No. 90-37, § I (5-1-6), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09)

**Sec. 8-64. Restrictions imposed.**

The registration issued under this article shall show on its face the restrictions placed thereon by reason of the types of construction operations to be performed, including but not limited to, general, electrical, plumbing or mechanical. (Ord. No. 90-37, § I (5-1-7), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09)

**Sec. 8-65. Transfer prohibited.**

It shall be unlawful for any person holding a general construction registration to transfer same or to allow the use of same directly or indirectly by any other person for the purpose of obtaining a permit to do any construction operation work herein specified. (Ord. No. 90-37, § I (5-1-8), 5-8-90; Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-66. Display.**

It shall be the duty of any person conducting a registered construction operation in the city to keep his registration in such convenient location so as to be able to present such registration upon the request of the building official or his designated inspector. (Ord. No. 90-37, § I (5-1-9), 5-8-90; Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-67. Records.**

The building official shall establish and maintain records of each registration application and each registration issued. Such records shall be retained in the official records for the period required by the city's retention schedule. (Ord. No. 90-37, § I (5-1-10), 5-8-90; Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-68. Expiration.**

Each registration issued under this article shall expire on the thirty-first day of December following the issuance thereof. (Ord. No. 90-37, § I (5-1-5), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09)

**Sec. 8-69. Suspension.**

(a) *Generally.* Any registration issued under this division may be suspended by the board at any time during the life of the registration for any violation by the registrant of the ordinance provisions relating to the registration or the subject matter of the registration, as outlined below. Such suspension may be in addition to any fine imposed.

(b) *Grounds.* The board may suspend the registration of any registrant for a period of not more than one (1) year, after determining at a proper hearing as set out in this article that the registrant has done any of the following:



- (1) Taken out a permit in the name of a person authorized to do the work and thereafter permitted a person not authorized by this code to do the work;
- (2) Tampered with, diverted from, or in any way interfered with the proper action, connection, or registration of any public utility service;
- (3) Employed any person not licensed as provided in this chapter to do work which requires a license under state law or city ordinance;
- (4) Permitted an unlawful or fraudulent use of the registration issued under this article;
- (5) Habitually violated this code, where "habitual" means a registrant who has failed to first obtain the required permits prior to work being performed on two (2) or more projects within a twelve (12) month period;
- (6) Performed any work that is in violation of this chapter and then failed or refused to make corrections necessary for the work to conform to this chapter or has failed to pay any failed inspection penalties of other penalties; or
- (7) Performed any work in violation of any restrictions imposed on a registration issued to him or her.

(Ord. No. 90-37, § I (5-1-11), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

#### **Sec. 8-70. Procedure and hearing.**

(a) In determining any charges listed for the suspension of a registration issued under this article, the building official shall proceed upon sworn information furnished it by:

- (1) An official, employee, or inspector of the city; or
- (2) Any person aggrieved by the action of a registrant in the performance of construction work for which a registration is required by this code.

(b) Such information shall be in writing and shall be verified by the person familiar with the facts therein charged.

(c) The building official, if he deems the information sufficient to support further action by the board, shall make a written complaint setting out the charges and shall set a hearing before the board at a specified time and place, and shall cause a copy of the complaint and notice of setting for the hearing to be served upon the licensee by certified mail, return receipt requested, no less than ten (10) days before the date appointed in the notice of setting.

(d) The registrant may appear in person, or by counsel, at the time and place named in the notice of setting and may make his defense to the charges.

(e) All such hearings shall be open to the public, as provided under V.T.C.A., Government Code, chapter 551 [Texas Open Meetings Act].

(f) The building official and the city attorney or his designee shall be entitled to present evidence and argument at such hearing. If the registrant fails or refuses to appear, the board may proceed to hear and determine the charges in his absence. The board shall have the power, through its chairman, to administer oaths and to compel the attendance of witnesses before it by

subpoena issued over the name of the chairman.

(g) When the board has completed such hearing and made its decision, it shall cause one (1) copy of its decision to be filed with the building official and one (1) copy to be forwarded to the registrant.

(Ord. No. 90-37, § I (5-1-12), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09)

#### **Sec. 8-71. Surrender and return of registration.**

Any registration which has been suspended under this article shall be surrendered to and be retained by the building official. At the end of the period of suspension, in the absence of further violations, the surrendered registration shall be returned to the registrant and shall be valid under the provisions of this code. If the period of suspension extends beyond the normal expiration date of the registration, the registrant shall pay all registration fees without proration in order to receive a valid registration to continue construction operations following the suspension period. (Ord. No. 90-37, § I (5-1-13), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09)

#### **Sec. 8-72. Appeals.**

(a) *Scope.* This section shall apply to all appeals from any action by any city officer or employee refusing to issue a registration. (This section shall also apply to appeals from any action by the board suspending a registration.)

(b) *Appeal to building official.* Any decision made by any employee of the city with a lower rank than building official may be taken to the building official. Such appeal may be taken by filing a written note, notice, or letter with the building official, briefly describing the decision being appealed. The person seeking the appeal must file the note, notice, or letter within ten (10) business days of the date of being notified of the decision from which the appeal is sought. The building official shall provide an opportunity for conference and shall decide the appeal promptly.

(c) *Appeal to construction board of appeals.* Any decision made by the building official, whether an original decision or a decision on appeal from an employee's decision, may be appealed to the construction board of appeals.

(d) *Board decisions.* Any person affected by a decision of the board relating to issuance or suspension of a registration shall have a right to file a petition for appeal within ten (10) business days thereafter for a hearing before the city council. The city council shall set the matter for hearing upon fourteen (14) days' written notice to the aggrieved person and thereupon take testimony, examine the facts of the case, and determine whether the petitioner is entitled to a registration or is subject to suspension of this registration under the provisions of this article. (Ord. No. 90-37, § I (5-1-14), 5-8-90; Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-73--8-179. Reserved.**

## **ARTICLE IV. CONSTRUCTION STANDARDS**

### **DIVISION 1. BUILDING CODE**

#### **Sec. 8-180. Adopted.**

There is hereby adopted by the city the International Building Code, 2009 Edition, together with Appendices A [Employee Qualifications], C [Group U--Agricultural Buildings], F [Rodent Proofing], H [Signs], I [Patio Covers], K [Administrative (Electrical) Provisions] and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

#### **Sec. 8-181. Amendments.**

The following sections of the International Building Code, 2009 Edition, together with Appendices A [Employee Qualifications], C [Group U--Agricultural Buildings], F [Rodent Proofing], H [Signs], I [Patio Covers], K [Administrative Provisions] and amendments, are hereby amended to read as follows:

(1) Section 101.1 of the International Building Code, 2009 Edition, is amended to read as follows:

“101.1 *Title*. These regulations shall be known as the building code of the city of Killeen, Texas, hereinafter referred to as ‘this code.’”

(2) Section 102 of the International Building Code, 2009 Edition, is amended by adding section 102.7 as follows:

“Section 102.7 *Historic buildings*. All buildings or structures that are listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, are exempt from this code.

Permit applications for new construction, demolition, renovation or repair of any historic building, structure or site, including secondary buildings and landscape features, within the city shall be initially reviewed by the historic preservation officer and forwarded with a recommendation to the building official. If the property is determined by the historic prevention officer to be a contributing building or is potentially significant, the applicant

shall be required to apply for a hearing before the historic preservation board for a determination of significance pursuant to article V, division 9, heritage preservation of the city's zoning ordinance prior to the application for any building permit."

(3) Section 105.1 of the International Building Code, 2009 Edition, is amended to read as follows:

"105.1 *Required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system; the installation of which is regulated by this code, or to install accessory structures, or to cause any such work to be done, shall first make application to the building official for a permit, shall comply with applicable state and local rules and regulations concerning licensing and registration, and obtain the required permit."

(4) Section 105.2 of the International Building Code, 2009 Edition, is amended by deleting Building, item 6 and amending Building, items 1 and 2 to read as follows:

"*Building:*

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 20 square feet.
2. Fences not over 2 feet high."

(5) Section 107.1 of the International Building Code, 2009 Edition, is amended to read as follows:

"107.1 *Submittal documents.* Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E, H and I occupancies

*Exception:* The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code."

(6) Section 110 of the International Building Code, 2009 Edition, is amended by adding subsections 110.7.1, 110.7.2, and 110.7.3 to read as follows:

“110.7.1 *Reinspection*. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for reinspection. A fee shall be paid to the department for each failed inspection.

110.7.2 *Subsequent reinspection*. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A fee shall be paid to the department prior to each subsequent failed inspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

110.7.3 *Requirements prior to inspections*. No inspection for new commercial or new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. *Trash receptacle*. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities as required in 311.1 of the 2009 IPC.”

(7) Section 113 of the International Building Code, 2009 Edition, is amended by amending the title and section 113.1 to read as follows:

#### “SECTION 113 CONSTRUCTION BOARD OF APPEALS

113.1 *General*. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter. Where board of appeals appears in this code, it shall hereinafter read construction board of appeals.”

(8) Section 114.1 of the International Building Code, 2009 Edition, is amended by adding section 114.1.1 to read as follows:

“114.1.1 *Project nuisances*. A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or any right-of-way.

2. Construction worker toilet facility missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen code of ordinances.”

(9) Section 406.5.3 of the International Building Code, 2009 Edition, is amended to read as follows:

“406.5.3 *Canopies*. Canopies under which fuels are dispensed shall have a clear, unobstructed height of not less than 14 feet 0 inches (4267.2 mm) to the lowest projecting element in the vehicle drive through area. Canopies and their supports over pumps shall be of noncombustible materials, fire-retardant-treated wood complying with Chapter 23, wood of Type IV sizes, or of construction providing 1-hour fire resistance. Combustible materials used in or on a canopy shall comply with one of the following:

1. Shielded from the pumps by a noncombustible element of the canopy, or wood of Type IV sizes, or
2. Plastics covered by aluminum facing having a minimum thickness of 0.010 inch (0.30 mm) or corrosion-resistant steel having a minimum base metal thickness of 0.016 inch (0.41 mm). The plastic shall have a flame spread index of 25 or less and a smoke-developed index of 450 or less when tested in the form intended for use in accordance with ASTM E 84 or UL 723 and a self-ignition temperature of 650°F (343°C) or greater when tested in accordance with ASTM D 1929; or
3. Panels constructed of light-transmitting plastic materials shall be permitted to be installed in canopies erected over motor vehicle fuel-dispensing station fuel dispensers, provided the panels are located at least 10 feet (3048 mm) from any building on the same property and face yards or streets not less than 40 feet (12,192 mm) in width on the other sides. The aggregate areas of plastics shall not exceed 1,000 square feet (93 m<sup>2</sup>). The maximum area of any individual panel shall not exceed 100 square feet (9.3 m<sup>2</sup>).”

(10) Chapter 11 of the International Building Code, 2009 Edition, is amended by deleting sections 1102 through 1110 in their entirety, and amending section 1101.2 to read as follows:

“1101.2 *Design*. Buildings and facilities shall be designed and constructed to be accessible in accordance with the Texas Accessibility Standards (TAS) of the Architectural Barriers Act. Buildings subject to the requirements of the Texas Accessibility Standards are described in Administrative Rules of the Texas Department of Licensing and Regulation, Title 16 Texas Administrative Code, Part 4, Chapter 68 Elimination of Architectural Barriers.

*Exception:* Buildings regulated under State Law and built in accordance with State certified plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this chapter.”

(11) Section 1612.3 of the International Building Code, 2009 Edition, is amended to read as follows:

“1612.3 *Establishment of flood hazard areas.* To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency an engineering report entitled ‘The Flood Insurance Study for the city of Killeen,’ as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section. (REF. Chapter 12 Flood Damage Prevention of the city of Killeen’s code of ordinances)”

(12) Tables 2308.10.2(1) through 2308.10.3(6) of the International Building Code, 2009 Edition, are amended by deleting all columns that refer to 2x4's in their entirety.

(13) Section 3408.1 of the International Building Code, 2009 Edition, is amended by adding subsections 3408.1.1 and 3408.1.2 to read as follows:

“3408.1.1 *Change in tenancy.* It shall be unlawful to make a change in tenancy of any existing commercial building or lease space without first making application for and obtaining approval for a certificate of occupancy.

3408.1.2 *Non transferable.* Once issued, a certificate of occupancy is not transferable to another business or property.”

(14) Section 3409 of the International Building Code, 2009 Edition, is amended by deleting the section in its entirety.

(15) Section 3412.2 of the International Building Code, 2009 Edition, is amended to read as follows:

“3412.2 *Applicability.* Structures existing prior to April 01, 2011, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of sections 3403 through 3407. The provisions in sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancy in Group H or I.”

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-182--8-185. Reserved.**

## DIVISION 2. EXISTING BUILDING CODE

### **Sec. 8-186. Adopted.**

There is hereby adopted by the city the International Existing Building Code, 2009 Edition, together with Appendices A [Guidelines For The Seismic Retrofit of Existing Buildings], and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended. (Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

### **Sec. 8-187. Amendments.**

The following sections of the International Existing Building Code, 2009 Edition, together with Appendices A [Guidelines For The Seismic Retrofit of Existing Buildings], and amendments, are hereby amended to read as follows:

(1) Section 101.1 of the Existing International Building Code, 2009 Edition, is amended to read as follows:

“101.1 *Title*. These regulations shall be known as the existing building code of the city of Killeen, Texas, hereinafter referred to as ‘this code.’”

(2) Section 105.1 of the International Existing Building Code, 2009 Edition, is amended to read as follows:

“105.1 *Required*. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system; the installation of which is regulated by this code, or to install accessory structures, or to cause any such work to be done, shall first make application to the building official for a permit, shall comply with applicable state and local rules and regulations concerning licensing and registration, and obtain the required permit.”

(3) Section 105.2 of the International Existing Building Code, 2009 Edition, is amended by deleting Building, items 1, 4, and 5.

(4) Section 106.1 of the International Existing Building Code, 2009 Edition, is amended to read as follows:

“106.1 *Submittal documents*. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design



professional.

The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E, H and I occupancies.

*Exception:* The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.”

(5) Section 109.6 of the International Building Code, 2009 Edition, is amended by adding subsections 109.6.1, 109.6.2, and 109.6.3 to read as follows:

“109.6.1 *Reinspection.* Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for failed reinspection. A fee shall be paid to the department for each failed inspection.

109.6.2 *Subsequent reinspection.* Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

109.6.3 *Requirements prior to inspections.* No inspection for new commercial or new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. *Trash receptacle.* Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities as required in 311.1 of the 2009 IPC.”

(6) Section 112 of the International Existing Building Code, 2009 Edition, is amended by amending the title and section 112.1 to read as follows:

## “SECTION 112 CONSTRUCTION BOARD OF APPEALS

112.1 *General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction

board of appeals is established in this chapter. Where board of appeals appears in this code, it shall hereinafter read construction board of appeals.”

(7) Section 114.1 of the International Existing Building Code, 2009 Edition, is amended by adding section 114.1.1 to read as follows:

“114.1.1 *Project nuisances.* A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public right-of-way.
2. Construction worker toilet facility missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen code of ordinances.”

(Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-188--8-189. Reserved.**

### DIVISION 3. RESIDENTIAL CODE

**Sec. 8-190. Same—adopted.**

There is hereby adopted by the city the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, together with Appendices A [Sizing and Capacities of Gas Piping], B [Sizing of Venting Systems], C [Exit Terminals of Mechanical Draft and Direct-vent Venting Systems], D [Recommended Procedure for Safety Inspection of an Existing Appliance Installation], E [Manufactured Housing used as Dwellings], G [Swimming Pools, Spas and Hot Tubs], H [Patio Covers], J [Existing Buildings and Structures], K [Sound Transmission], M [Home Day Care], N [Venting Methods], O [Gray water recycling], P [Sizing of Water Piping], Q [ICC International Residential Code Electrical Provisions/NEC Code Cross Reference] and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Sec. 8-191. Same—amendments.**

The following sections of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition and amendments, are hereby amended to read as follows:

(1) Section R101.1 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended to read as follows:

“R101.1 *Title.* These provisions shall be known as the residential code of the city of Killeen, hereinafter referred to as ‘this code.’”

(2) Section R105.1 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended to read as follows:

“R105.1 *Required*. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system; the installation of which is regulated by this code, or to install accessory structures, or to cause any such work to be done, shall first make application to the building official for a permit, shall comply with applicable state and local rules and regulations concerning licensing and registration, and obtain the required permit.”

(3) Section R105.2 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended by deleting Building, items 5 and 10 and amending Building, items 1 and 2 to read as follows:

“*Building*:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 20 square feet (3.71 m<sup>2</sup>).
2. Fences not over 2 feet high.”

(4) Section R109.4 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended by adding subsections R109.4.1, R109.4.2, and R109.4.3 to read as follows:

“R109.4.1 *Reinspection*. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for reinspection. A failed inspection fee shall be paid to the department for each failed inspection.

R109.4.2 *Subsequent reinspection*. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for a subsequent reinspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

R109.4.3 *Requirements prior to inspections*. No inspection for new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. *Trash receptacle*. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.

2. Project address number posted and visible from street.
3. Construction worker toilet facilities as required in R306.5 of the 2009 IRC.”

(5) Section R112 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended by amending the title and section R112.1, and by deleting sections R112.2 through R112.4 to read as follows:

**“SECTION R112 CONSTRUCTION BOARD OF APPEALS**

**R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter. Where board of appeals appears in this code, it shall hereinafter read construction board of appeals.”

(6) Section 114.1 of the International Residential Code for One and Two-Family Dwellings, 2009 Edition, is amended by adding section 114.1.2 to read as follows:

**“114.1.2 Project nuisances.** A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or right-of-way.
2. Construction worker toilet missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen code of ordinances.”

(7) Section R301.1 of the International Residential Code for One-and Two-Family Dwellings, 2009 Edition, is amended by inserting the appropriate design criteria in Table R301.2(1) as follows:

<b>Roof Snow Load</b>	<b>Wind Speed<sup>e</sup> (mph)</b>	<b>Seismic Design Category<sup>f,g</sup></b>
5 lb/ft <sup>2</sup>	90 (3-sec-gust)/75 fastest mile	A

Subject to damage from					
<b>Weathering<sup>a</sup></b>	<b>Frost line depth<sup>b</sup></b>	<b>Termite<sup>c</sup></b>	<b>Decay<sup>d</sup></b>	<b>Winter Design Temp<sup>f</sup></b>	<b>Flood Hazards<sup>h</sup></b>
moderate	4"	Moderate to heavy	slight to moderate	26° F	local code

(8) Section R306 of the International Residential Code for One- and Two-Family Dwellings,

2009 Edition, is amended by adding section 306.5 to read as follows:

“R306.5 *Toilet facilities for workers.* Each contractor shall provide toilet facilities for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the non-sewer type shall conform to ANSI Z4.3. The path of travel to required facilities shall not exceed a distance of 150 feet (45.5 m).”

(9) Section R309 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended by amending sections 309.3 and 309.4 to read as follows:

“R309.3 *Floor surface.* Garage floor surfaces shall be of approved noncombustible material. The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway. Such slope shall not be less than one percent.

R309.4 *Carports.* Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.”

(10) Section R313.2 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended by deleting section 313.2 in its entirety.

(11) Section R317.1 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended by adding items 2, 3, and 6 to read as follows:

“2. All wood sills or plates that rest on concrete or masonry walls.

3. Wooden sills and sleepers that rest on concrete or masonry slab that is in direct contact with the ground.

6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs.”

(12) Section R319 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended to read as follows:

“R319.1 *Site Address.* Approved numbers or addresses, minimum of four (4) inches (102mm) in height with a minimum stroke width of 0.5 inches (12.7mm), shall be provided during construction and for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.”

(13) Section R322 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended to read as follows:

“R322.1 *General*. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency an engineering report entitled ‘The Flood Insurance Study for the city of Killeen,’ as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section (REF. Chapter 12 Flood Damage Prevention of the City of Killeen’s code of ordinances).”

(14) Tables R802.4(1) through R802.5.1(8) of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, are amended by deleting all columns that refer to 2x4's in their entirety.

(15) Section G2417.4.1 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended to read as follows:

“G2417.4.1 *Test pressure*. The test pressure to be used shall be no less than one and one-half times the proposed maximum working pressure but not less than 10 psig (68.9 kPa gauge) and the test gauge shall not be rated higher than 30 PSI, or at the discretion of the code official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer, low pressure diaphragm gauge or slope gauge. For welded piping, and for piping carrying gas at pressures in excess of 0.5 psig or fourteen (14) inches water column pressure (3.48 kPa), the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa).”

(16) Section P2602.1 of the International Residential Code for One and Two-Family Dwellings, 2009 Edition, is amended to read as follows:

“P2602.1 *General*. The water distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply or sewer system, respectively, if available. When either a public water supply or sewer system, or both, are not available, or connection to them is not feasible, an individual water supply or individual sewage disposal system shall be provided upon approval by the city engineer. Such private sewage disposal system shall be designed and accepted in accordance with the Bell County Public Health District rules and regulations. No permit for new construction shall be issued without proof of the accepted design. In addition, no building final inspection or certificate of occupancy inspection shall occur without proof of acceptance by the Bell County Public Health District.”

(17) Section P2905.3 and Tables P2905.4-6 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, are amended by deleting all references to Polybutylene (BP) plastic pipe and tubing, thereby prohibiting its use.

(18) Section P3005.2.2 of the International Residential Code for One and Two-Family Dwellings, 2009 Edition, is amended as follows:

“P3005.2.2 *Spacing*. Cleanouts shall be installed not more than 75 feet apart in horizontal drainage lines measured from the upstream entrance of the cleanout.”

(19) Section P3102.1 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is amended to read as follows:

“P3102.1 *Main vent required*. Every building shall have one main vent, a minimum of three (3) inches (76 mm) in diameter, that is a vent stack or a stack vent. Such vent stack shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof.”

(20) Section P3201.7 of the International Residential Code for One and Two-Family dwellings, 2009 Edition, and its referenced Table P3201.7, is amended to require all showers to be provided with a minimum 2-inch trap.

(21) Chapters 33 through 42 of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, are amended by deleting them in their entirety.  
(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-192--8-209. Reserved.**

## DIVISION 4. ELECTRICAL CODE

### Subdivision 1. Code Adoption

**Sec. 8-210. Adopted.**

There is hereby adopted by the city the National Electrical Code (NFPA 70), 2008 Edition, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-211--8-219. Reserved.**

### Subdivision 2. Additional Local Requirements

**Sec. 8-220. General installation requirements for residential and commercial buildings and structures.**

(a) All electrical construction and all materials and appliances used in connection with the installation, maintenance, and operation of electrical wiring, apparatus or equipment for the utilization of electrical energy for light, heat or power shall conform to the rules and regulations

of this section, the adopted electrical code, and in harmony with the electrical service guidelines of the local electrical utility provider.

(b) *Aluminum conductors--minimum size.* Aluminum or copper clad aluminum #1/0 AWG and larger conductors may be used where the conductors terminate in an approved service or service feeder panel. The conductors shall be terminated according to manufacturer's recommendations and have a coating of oxidation inhibitor applied. (REF. NEC Articles 215--Feeders, 230-D--Services, 338--Service Entrance Cable, and 310-14--Aluminum Conductor Material)

(c) *Branch circuit conductors--minimum size.* No copper conductor smaller than No. 12 AWG size shall be used in any branch circuit except as follows:

- (1) Number 14 AWG conductors may be used for switch legs (dwelling units only)
- (2) Number 14 AWG for control circuits operating line voltage contractors, relay and the like; (REF. NEC Article 210-19 Conductors- minimum ampacity and size)

(d) *GFCI receptacle identification.* All receptacles protected by one (1) or more ground fault circuit interrupter (GFCI) devices shall be identified with the manufacturer's labels. (REF. NEC Article 210-8--GFCI Protection for Personnel)

(e) *Abandoned wiring.* Whenever new wiring is replacing old wiring, the old wiring shall be completely removed where possible. Abandoned wiring that cannot be removed shall be rendered unusable for future use before final approval shall be given for the new wiring.

(f) *Additions to existing wiring.* Where additions or extensions are made, and part of the existing wiring remains in use, and if defects exist in same, the existing wiring must be corrected and shall meet standards for new work.

(g) *Electrical service upgrade required.* The electrical service shall be upgraded on a structure when electrical power is disconnected for any of the following conditions:

- (1) Dangerous or unsafe electrical hazards;
- (2) Substantial damage to electrical service over 50%;
- (3) Loss of electrical power for a period of one (1) year or longer.

(h) *Electrical system upgrade required (total rewire).* The electrical system shall be upgraded on a structure when any of the following occur:

- (1) Dangerous or unsafe electrical hazards.
- (2) Substantial damage to electrical system over 50%.
- (3) Change from residential use to commercial use. For the purpose of this section, apartment dwellings are considered residential use and hotel/motel structures are considered commercial use.



(i) *Service masts as supports.* In addition to the requirements in the NEC, section 230-28, all service masts installed as support for service-drop conductors shall meet the following:

- (1) Only service-drop conductors shall be permitted to be attached to a service mast.
- (2) Service conduit extending through the roof and used for a service support shall be sealed at the roof with an approved flashing and extend a minimum of thirty of thirty-six (36) inches above the roof. Such service conduit shall be anchored just before entering the roof.
- (3) A minimum size of two (2) inches rigid conduit shall be used for service mast. E.M.T. or I.M.C are not acceptable for service masts supports.

(j) *Services--general.* In addition to the requirements in the NEC, Section 230, all services installed shall meet the following:

- (1) All entrance service conductors shall be enclosed in galvanized conduit or electrical metallic tubing. A minimum of (1-1/4") one and one quarter inch conduit shall be used for service other than for service masts.
- (2) Length of outside service wire extension beyond service weatherhead shall not be less than (1) one foot.
- (3) Multiple-tenant or lease space buildings shall have only (1) electrical service meter allowed for each individual tenant space. Reconfigured tenant spaces that combine the interior, through doors or other access points, of two or more originally separate tenant spaces in order to serve one tenant exclusively shall be required to remove all but one (1) electrical service meter.
- (4) Each service shall be supplied with two (2) 5/8 inch by 8 feet ground rods spaced a minimum of 6 feet apart. Other grounding methods may be used with special permission from the code official.

(k) *Electrical metallic tubing installation.* Electrical metallic tubing shall not be permitted for direct burial in earth or installed in or under concrete on grade or below grade. (REF. NEC Article 348-4(b) Uses Permitted)

(l) *Main disconnects.* Service entrance conductors hereafter installed on all buildings, shall require a single main disconnect (limited to 6 overcurrent devices) or manual shunt-trip device located outside the building or structure. When a remote shunt-trip button is installed, it shall be located on the exterior of the building or structure and shall have a visual indication that the service has been disconnected when the trip has been activated. The shunt-trip button shall be in a sturdy, exterior cabinet that can be secured with a padlock. The cabinet shall be permanently marked on the exterior, stating "shunt-trip disconnect."

(m) *Additional panel requirements.* Unless separated by a minimum 3 foot wide by 8 foot tall permanent wall, partition or barrier, a minimum clearance of 6 feet shall be required separating electrical panels from any water fixture, appliance or outlet.  
(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Sec. 8-221. Additional residential requirements for one & two-family dwellings, townhouses, and apartment use buildings.**

(a) *Heating unit conductors.* Feeders and branch circuits for heating units in dwelling units shall be copper conductors.

(b) *Appliance circuits and receptacles.*

- (1) Receptacle outlets installed in the kitchen and dining room of each dwelling shall have a maximum of three (3) duplex receptacles on each 20 amp small appliance circuit. Such receptacles shall be rated 20 amps. Note: 15 amp rated receptacles shall not be allowed on such circuits.
- (2) Dedicated circuits shall be required for refrigerator, disposal, built-in microwave, washing machine, furnace, bathroom heater, trash compactor, and dishwasher.
- (3) Single duty receptacle shall be required for each refrigerator, disposal, built-in microwave, washing machine, trash compactor or dishwasher.

(c) *Circuit limitations.* In areas other than kitchens and dining rooms, no more than eight (8) receptacle and/or lighting fixture outlets shall be connected to any one circuit, whether the outlets are ceiling or wall outlets.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Sec. 8-222. Additional commercial requirements for hotel, motel, and other non-residential use buildings or structures.**

(a) *Wiring requirements.* Service entrance cable shall be prohibited in all non-residential buildings and residential buildings over 3-stories tall. In addition, all electrical wiring installed in non-residential buildings and dwelling buildings over 3-stories tall shall be installed with one (1) of the following methods:

- (1) Electrical metallic tubing (EMT);
- (2) Surface metal raceway;
- (3) Electrical nonmetallic tubing (ENT) shall be allowed in walls only;
- (4) Metal-clad cable (MC) shall be allowed in walls and used to connect to lighting fixtures with a maximum length of 10 feet.
- (5) Rigid metal pipe.

(b) *Receptacle requirements.*

- (1) Minimum of one (1) receptacle shall be required for each interior wall four (4) feet or longer of occupied space. Walls over fifteen (15) linear feet shall have receptacles spaced no greater than thirty (30) feet apart, measured horizontally around the interior walls at the floor level.
- (2) Receptacle circuits and outlets for counter spaces in kitchen, break room or similar areas shall be installed in accordance with section 8-221(b) above.

- (3) Receptacles and switches in commercial buildings shall be rated a minimum of 20 Ampere.

(c) *Minimum building service.* All non-residential buildings shall have a minimum of a two hundred (200) ampere service.  
(Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09)

**Secs. 8-223--8-239. Reserved.**

**DIVISION 5. PLUMBING CODE**

**Sec. 8-240. Adopted.**

There is hereby adopted by the city the International Plumbing Code, 2009 Edition, together with Appendices C (Gray Water Recycling), E (Water Pipe Sizing) and F (Structural Safety) and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Sec. 8-241. Amendments.**

The following sections of the International Plumbing Code, 2009 Edition, together with Appendices C, E and F, and amendments, are hereby amended to read as follows:

(1) Section 101.1 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“101.1 *Title.* These regulations shall be known as the plumbing code of the city of Killeen, hereinafter referred to as ‘this code.’”

(2) Section 102.8 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“102.8 *Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in chapter 13 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where the requirements of referenced standards or manufacturer’s installation instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted in this chapter.”

(3) Sections 106.6.2 and 106.6.3 of the International Plumbing Code, 2009 Edition, are amended to read as follows:

“106.6.2 *Fee schedule*. The fees for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for plumbing work shall be as indicated in section 8-11 of the city of Killeen code of ordinances.

106.6.3 *Fee refunds*. The code official shall authorize the refund of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50 percentage of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percentage of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.”

(4) Section 107.4.3 of the International Plumbing Code, 2009 Edition, is amended by adding subsections 107.4.3.1, 107.4.3.2, and 107.4.3.3 to read as follows:

“107.4.3.1 *Reinspection*. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for reinspection. A fee shall be paid to the department for each failed inspection.

107.4.3.2 *Subsequent reinspection*. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for a subsequent reinspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

107.4.3.3. *Requirements prior to inspections*. No inspection for new commercial or new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. *Trash receptacle*. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities as required in 311.1 of the 2009 IPC.”

(5) Sections 108.4 and 108.5 of the International Plumbing Code, 2009 Edition, are amended and 108.5.1 is added to read as follows:

“108.4 *Violation penalties.* Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$2,000 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 *Stop work orders.* Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such order shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform or remove a violation or unsafe condition, shall be liable for a fine not less than \$100 dollars or more than \$2,000 dollars.

108.5.1. *Project nuisances.* A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or right-of-way.
2. Construction worker toilet missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen code of ordinances.”

(6) Section 109 of the International Plumbing Code, 2009 Edition, is amended by amending section 109.1 and by deleting sections 109.2 through 109.7 to read as follows:

#### “SECTION 109 CONSTRUCTION BOARD OF APPEALS

109.1 *General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter. Where board of appeals appears in this code, it shall hereinafter read construction board of appeals.”

(7) Section 305.6.1 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“305.6.1 *Sewer depth.* Building sewers that connect to private sewage systems shall be a minimum of 6 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 6 inches below grade.”

(8) Section 311.1 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“311.1 *General*. Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the non-sewer type shall conform to ANSI Z4.3. The path of travel to required facilities shall not exceed a distance of 150 feet.”

(9) Tables 605.3, 605.4, and 605.5 and section 605.19 of the International Plumbing Code, 2009 Edition, are amended by deleting reference to Polybutylene (BP) plastic pipe and tubing, and deleting section 605.19 in its entirety, thereby prohibiting its use.

(10) Section 701.2 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“701.2 *Sewer required*. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or upon approval by the city engineer, an approved private sewage disposal system designed and accepted in accordance with the Bell County Health District rules and regulations. No permit for new construction shall be issued without proof of the accepted design. In addition, no building final inspection or certificate of occupancy inspection shall occur without proof of acceptance by the Bell County Public Health District.”

(11) Sections 708.3.1 and 708.3.2 of the International Plumbing Code, 2009 Edition, are amended to read as follows:

“708.3.1 *Horizontal drains within buildings*. All horizontal drains shall be provided with cleanouts located not more than 75 feet apart.

708.3.2 *Building sewers*. Building sewers shall be provided with cleanouts located not more than 75 feet apart measured from the upstream entrance of the cleanout. For building sewers 8 inches and larger, manholes shall be provided and located at each change in direction and at intervals of not more than 200 feet. Manholes and manhole covers shall be of an approved type.”

(12) Section 709.1 and Table 709.1 of the International Plumbing Code, 2009 Edition, are both amended to require all showers to be provided with a minimum 2-inch trap.

(13) Section 903.1 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“903.1 *Main vent stack required*. Every building in which plumbing is installed shall have at least one main vent stack the size of which is one-half of the required size of the building drain, but not less than 3 inches (76 mm). Such stack shall run undiminished in

size and as directly as possible from the building drain through to the open air or to vent header that extends to the open air.”

(14) Section 904.1 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“904.1 *Roof extension*. All open vent pipes that extend through a roof shall be terminated at least 6 inches (152 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate at least 7 feet (2134 mm) above the roof.”

(15) Section 906.1 of the International Plumbing Code, 2009 Edition, is amended by deleting the exception in its entirety.

(16) Section 906.2 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“906.2 *Venting of fixture drains*. The total fall in a fixture drain due to pipe slope shall not exceed the diameter of the fixture drain, nor shall the vent connection to a fixture drain be below the weir of the trap.”

(17) Section 1002.5 and its referenced Table 709.1 of the International Plumbing Code, 2009 Edition, is amended to require all showers to be provided with a minimum 2-inch trap.

(18) Section 1106.1 of the International Plumbing Code, 2009 Edition, is amended to read as follows:

“1106.1 *General*. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on the 100-year hourly rainfall rate of 4 inches.”

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-242--8-259. Reserved.**

## DIVISION 6. FUEL GAS CODE

**Sec. 8-260. Adopted.**

There is hereby adopted by the city the International Fuel Gas Code, 2009 Edition, together with Appendix A (Gas Pipe Sizing), B (Vent System Sizing), C (Exit Terminations), D (Safety Inspections) and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

## **Sec. 8-261. Amendments.**

The following sections of the International Fuel Gas Code, 2009 Edition, are hereby amended to read as follows:

(1) Section 101.1 of the International Fuel Gas Code, 2009 Edition, is amended to read as follows:

“101.1 *Title*. These regulations shall be known as the fuel gas code of the city of Killeen, hereinafter referred to as ‘this code.’”

(2) Section 102.8 of the International Fuel Gas Code, 2009 Edition, is amended to read as follows:

“102.5.1 *Referenced codes and standards*. The codes and standards referenced in this code shall be those that are listed in chapter 8 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where the requirements of referenced standards or manufacturer’s installation instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.”

(3) Sections 106.6.2 and 106.6.3 of the International Fuel Gas Code, 2009 Edition, are amended to read as follows:

“106.6.2 *Fee schedule*. The fees for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for fuel gas work shall be as indicated in section 8-11 of the city of Killeen code of ordinances.

106.6.3 *Fee refunds*. The code official shall authorize the refund of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50 percentage of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percentage of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.”

(4) Section 107.2.3 of the International Fuel Gas Code, 2009 Edition, is amended by adding subsections 107.2.3.1, 107.2.3.2 and 107.2.3.3 to read as follows:



“107.2.3.1 *Reinspection*. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for reinspection. A fee shall be paid to the department for each failed inspection.

107.2.3.2 *Subsequent reinspection*. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for a subsequent reinspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

107.2.3.3. *Requirements prior to inspections*. No inspection for new commercial or new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. *Trash receptacle*. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities as required in 311.1 of the 2009 IPC.”

(5) Sections 108.4 and 108.5 of the International Fuel Gas Code, 2009 Edition, are amended and 108.5.1 is added to read as follows:

“108.4 *Violation penalties*. Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$2,000 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 *Stop work orders*. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such order shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform or remove a violation or unsafe condition, shall be liable for a fine not less than \$100 dollars or more than \$2,000 dollars.

108.5.1 *Project nuisances*. A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or right-of-way.
2. Construction worker toilet facility missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen code of ordinances.”

(6) Section 109 of the International Fuel Gas Code, 2009 Edition, is amended by amending section 109.1 and by deleting sections 109.2 through 109.7 to read as follows:

#### “SECTION 109 CONSTRUCTION BOARD OF APPEALS

109.1 *General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter. Where board of appeals appears in this code, it shall hereinafter read construction board of appeals.”

(7) Section 406.1 of the International Fuel Gas Code, 2009 Edition, is amended by adding section 406.1.6 to read as follows:

“406.1.6 *Complete retest of existing system.* The entire gas piping system shall be retested if the existing system has been opened up for repairs and /or for installing new piping extensions.”

(8) Section 406.4.1 of the International Fuel Gas Code, 2009 Edition, is amended by amending sections 406.4.1 and 406.4.2 to read as follows:

“406.4.1 *Test pressure.* The test pressure to be used shall be no less than 1½ times the proposed maximum working pressure but not less than 10 psig (69 kPa gauge) and the test gauge shall not be rated higher than 30 PSI, or at the discretion of the code official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer, low pressure diaphragm gauge or slope gauge. For welded piping, and for piping carrying gas at pressures in excess of 0.5 psig or fourteen (14) inches water column pressure (3.48 kPa), the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa). Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

406.4.2 *Test duration.* Test duration for residential dwellings shall be not less than 10 minutes. For larger piping systems the code official may require a longer test duration, not to exceed 24 hours.”

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-262--8-279. Reserved.**

## **DIVISION 7. MECHANICAL CODE**

**Sec. 8-280. Adopted.**

There is hereby adopted by the city the International Mechanical Code, 2009 Edition, together with Appendix A (Combustion air openings), and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Sec. 8-281. Amendments.**

The following sections of the International Mechanical Code, 2009 Edition, are hereby amended to read as follows:

(1) Section 101.1 of the International Mechanical Code, 2009 Edition, is amended to read as follows:

“101.1 *Title*. These regulations shall be known as the mechanical code of the city of Killeen, hereinafter referred to as ‘this code.’”

(2) Section 102.8 of the International Mechanical Code, 2009 Edition, is amended to read as follows:

“102.8 *Referenced codes and standards*. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where the requirements of referenced standards or manufacturer’s installation instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.”

(3) Sections 106.5.2 and 106.5.3 of the International Mechanical Code, 2009 Edition, are amended to read as follows:

“106.5.2 *Fee schedule*. The fees for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for mechanical work shall be as indicated in section 8-11 of the city of Killeen code of ordinances.

106.5.3 *Fee refunds*. The code official shall authorize the refund of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50 percentage of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percentage of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.”

(4) Section 107.2.3 of the International Mechanical Code, 2009 Edition, is amended by adding subsections 107.2.3.1, 107.2.3.2, and 107.2.3.3 to read as follows:

“107.2.3.1 *Reinspection*. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for reinspection. A fee shall be paid to the department for each failed inspection.

107.2.3.2 *Subsequent reinspection*. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for a subsequent reinspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

107.2.3.3. *Requirements prior to inspections*. No inspection for new commercial or new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. *Trash receptacle*. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities as required in 311.1 of the 2009 IPC.”

(5) Sections 108.4 and 108.5 of the International Mechanical Code, 2009 Edition, are amended and 108.5.1 is added to read as follows:

“108.4 *Violation penalties*. Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$2,000 dollars.

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 *Stop work orders.* Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such order shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform or remove a violation or unsafe condition, shall be liable for a fine not less than \$100 dollars or more than \$2,000 dollars.

108.5.1 *Project nuisances.* A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or right-of-way.
2. Construction worker toilet missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen code of ordinances.”

(6) Section 109 of the International Mechanical Code, 2009 Edition, is amended by amending section 109.1 and by deleting sections 109.2 through 109.7 to read as follows:

#### “SECTION 109 CONSTRUCTION BOARD OF APPEALS

109.1 *General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter. Where board of appeals appears in this code, it shall hereinafter read construction board of appeals.”

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-282--8-299. Reserved.**

#### DIVISION 8. ENERGY CONSERVATION CODE

**Sec. 8-300. Adopted.**

There is hereby adopted by the city the International Energy Conservation Code, 2009 Edition, together with amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections

thereof as are hereinafter deleted, modified or amended. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

### **Sec. 8-301. Amendments.**

The following sections of the International Energy Conservation Code, 2009 Edition, are hereby amended to read as follows:

(1) Section 101.1 of the International Energy Conservation Code, 2009 Edition, is amended to read as follows:

“101.1 *Title*. These regulations shall be known as the energy conservation code of the city of Killeen, hereinafter referred to as ‘this code.’”

(2) Section 104.4 of the International Energy Conservation Code, 2009 Edition, is amended by adding subsections 104.4.1, 104.4.2, and 104.4.3 to read as follows:

“104.4.1 *Reinspection*. Where any work or installation does not pass any initial inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for reinspection. A fee shall be paid to the department for each failed inspection.

104.4.2 *Subsequent reinspection*. Where any work or installation does not pass a reinspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for a subsequent reinspection. A failed inspection fee shall be paid to the department prior to any subsequent inspection.

104.4.3. *Requirements prior to inspections*. No inspection for new commercial or new residential construction shall occur if any of the following are not placed at each permitted construction site:

1. *Trash receptacle*. Such trash receptacle shall be sufficient in size for the project but not smaller than 24 square feet by 4 feet in height with openings no larger than 9 square inches and must be capable of containing construction debris. Such receptacles must be properly maintained and serviced.
2. Project address number posted and visible from street.
3. Construction worker toilet facilities as required in 311.1 of the 2009 IPC”

(3) Sections 106.1 and 106.2 of the International Energy Conservation Code, 2009 Edition, are amended to read as follows:

“106.1 *General*. The codes and standards referenced in this code shall be those that are listed in Chapter 6 and such codes and standards, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference.

106.2 *Conflicting requirements.* Where the requirements of referenced standards or manufacturer's installation instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted."

(4) Chapter 1 of the International Energy Conservation Code, 2009 Edition, is amended by adding Section 108 to read as follows:

#### "SECTION 108 VIOLATIONS

108.1 *Unlawful acts.* It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize an energy conservation system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

108.2 *Notice of violation.* The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of work in violation of the provisions of this energy conservation code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

108.3 *Prosecution of violation.* If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

108.4 *Violation penalties.* Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of failure to comply, punishable by a fine of not more than \$2,000 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 *Stop work orders.* Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after

having been served with a stop work order, except such work as that person is directed to perform or remove a violation or unsafe condition, shall be liable for a fine not less than \$100 dollars or more than \$2,000 dollars.

108.5.1 *Project nuisances.* A stop work order may be issued if any of the following occur:

1. Litter not kept in an approved receptacle designed in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or right-of-way.
2. Construction worker toilet facility missing or not in sanitary condition.
3. Excessive construction noise in violation of chapter 16 - miscellaneous provisions and offenses of the Killeen code of ordinances.

108.6 *Legal actions.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the energy conservation system on or about any premises.”

(5) Section 109 of the International Energy Conservation Code, 2009 Edition, is amended by adding section 109 to read as follows:

#### “SECTION 109 CONSTRUCTION BOARD OF APPEALS

109.1 *General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter. Where board of appeals appears in this code, it shall hereinafter read construction board of appeals.”

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-302--8-319. Reserved.**

#### DIVISION 9. PROPERTY MAINTENANCE CODE

**Sec. 8-320. Adopted.**

There is hereby adopted by the city the International Property Maintenance Code, 2009 Edition, and amendments, a copy of which is attached hereto and made a part of this chapter for all purposes, the same as if copied in full herein, with the exception of such sections thereof as are hereinafter deleted, modified or amended. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)



## **Sec. 8-321. Amendments.**

The following sections of the International Property Maintenance Code, 2009 Edition, and amendments, are hereby amended to read as follows:

(1) Section 101.1 of the International Property Maintenance Code, 2009 Edition, is amended to read as follows:

“101.1 *Title*. These regulations shall be known as the property maintenance code of the city of Killeen, hereinafter referred to as ‘this code.’”

(2) Section 102.7 of the International Property Maintenance Code, 2009 Edition, is amended to read as follows:

“102.7 *Referenced codes and standards*. The codes and standards referenced in this code shall be those that are listed in this chapter, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where the requirements of referenced standards or manufacturer’s installation instructions do not conform to minimum provisions of this code, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.”

(3) Section 103.5 of the International Property Maintenance Code, 2009 Edition, is amended to read as follows:

“103.5 *Fees*. The fees for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for activities and services performed by the department in carrying out its responsibilities under the property maintenance code shall be as indicated in section 8-11 of the city of Killeen code of ordinances.”

(4) Section 106.4 of the International Property Maintenance Code, 2009 Edition, is amended to read as follows:

“106.4 *Violation penalties*. Persons who shall violate a provision of this code or fail to comply therewith, or fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$2,000 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

(5) Section 107.1 of the International Property Maintenance Code, 2009 Edition, is amended to read as follows:

*“107.1 Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in sections 107.2 and 107.3.”*

(6) Section 108 of the International Property Maintenance Code, 2009 Edition, is amended by amending section 108.1 and by deleting sections 108.1.1 through 108.6 to read as follows:

*“108.1 General. When a structure or equipment is found by the code official to be unsafe, dilapidated, imminently dangerous, found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of article V of chapter 8 of the code of ordinances.”*

(7) Section 110 of the International Property Maintenance Code, 2009 Edition, is amended by deleting it in its entirety.

(8) Section 111 of the International Property Maintenance Code, 2009 Edition, is amended by amending section 111.1 and by deleting sections 111.2 through 111.8 to read as follows:

#### **“SECTION 111 CONSTRUCTION BOARD OF APPEALS**

*111.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a construction board of appeals. The construction board of appeals is established in this chapter. Where board of appeals appears in this code, it shall hereinafter read construction board of appeals.”*

(9) Section 302.4 of the International Property Maintenance Code, 2009 Edition, is amended to read as follows:

*“302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches (304.8 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.”*

(10) Section 302.7 of the International Property Maintenance Code, 2009 Edition, is amended to add Section 302.7.1 to read as follows:

#### *“302.7.1 Fence Maintenance.*

For the purposes of the chapter, fence shall be as defined in Chapter 31, Division 10 of the Killeen Code of Ordinances.

All fences shall be maintained as follows:

- a. Fences shall not be out of vertical alignment more than one (1) foot from the true vertical (90 degree angle from adjacent grade) measured at the top of the fence.
- b. Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) shall be replaced or repaired within thirty (30) days of notification of non-compliance. Fences enclosing swimming pools or spas must be repaired immediately.
- c. Repairs of any nature shall be made with materials of comparable composition, color, size, shape, and quality of the original fence to which the repair is being made. Nothing herein shall be construed so as to prohibit the complete removal of a fence, unless such fence encloses a swimming pool or spa or the fence is required for screening purposes in accordance with Chapter 31 - Zoning.”

(11) Section 304.14 of the International Property Maintenance Code, 2009 Edition, is amended to read as follows:

“304.14 *Insect screens*. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitted screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

*Exception:* Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.”

(12) Sections 602.3 and 602.4 of the International Property Maintenance Code, 2009 Edition, are amended to read as follows:

“602.3 *Heat supply*. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

*Exception:* When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

602.4 *Occupied work spaces*. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the space is occupied.

*Exceptions:*

1. Processing, storage and operation areas that require cooling or special temperature conditions.
  2. Areas in which persons are primarily engaged in vigorous physical activities.”
- (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09; Ord. No. 11-009, § I, 2-8-11)

**Secs. 8-322--8-339. Reserved.**

**DIVISION 10. AIRCRAFT NOISE ATTENUATION REQUIREMENTS**

**Sec. 8-340. Aircraft noise attenuation requirements.**

**I. Aircraft Noise Zones.**

- A. For the purposes of this code, certain sections of the city are declared to be and are hereby established as zones subject to significant noise from aircraft. These zones shall be known and designated as the 65-70 LDN Noise Zone and the Over 70 LDN Noise Zone, as such are identified within the 1991 Killeen municipal airport master plan.
- B. These noise zones shall include, and be limited to, such territory or portions of the city as is designated and shown within aircraft noise impact maps of the 1991 Killeen Municipal airport master plan, which are hereby incorporated into this code and made a part hereof for all intents and purposes.

**II. Noise Level Reduction Standards.**

- A. Plans for the construction of buildings or structures within noise zones shall be certified as achieving at least the outdoor to indoor noise level reductions as measured in decibels within the building as follows:

BUILDING USE	65-70 LDN NOISE ZONE	OVER 70 LDN NOISE ZONE
RESIDENTIAL		
Residential within each unit including transient lodgings	25	30
PUBLIC USE		
Schools, Hospitals, Nursing Homes	25	30

**III. Certification of Plans Prior to Issuance of Building Permit.**

- A. The building official shall not issue a building permit for any buildings or structures within the noise zones established by this ordinance unless:

1. The plans and specifications accompanying the application for said permit are certified by a bona fide acoustical consultant as meeting the Noise Level Reduction standards required by this ordinance; or
2. By certification of the building official that the following construction standards have been met:
  - a. Building Requirements for a Minimum Noise Level Reduction of 25 dB (within the 65-70 LDN):

#### *Exterior Walls*

Masonry walls shall be equivalent in weight to six inch minimum light-weight concrete block. At least one surface shall be painted or plastered. A furred interior wall is not required on the inside of masonry walls.

Siding-on-sheathing, stucco or brick veneer shall be installed on the outside of minimum 4-inch nominal deep studs.

Interior wall surface of exterior wall shall be minimum half-inch gypsum board or plaster installed on the inside of the wall studs.

Continuous sheathing as required by the code shall cover the exterior said of the wall studs behind wood, asphalt or aluminum siding. The sheathing shall be minimum half-inch thick.

Sheathing boards or panels shall be butted tightly and covered on the exterior with overlapping and airtight building paper when wood sheathing is used.

Brick veneer, masonry blocks or stucco walls shall be constructed airtight except as otherwise required by the code. All surface joints shall be grouted or caulked airtight. Weep Holes shall be installed in the bottom vertical joint a maximum of eight foot on center.

Penetration of wall by pipes or ducts shall be caulked or filled with mortar.

#### *Windows*

Glass of single-glazed windows shall be minimum three-sixteenth's of an inch thick.

Glass of double-glazed windows shall be of standard manufacturers' thickness and separation of not less than one-quarter inch.

All operable windows in these dwellings shall contain hinged-type sash or double-hung sash. The sash shall be rigid and weather stripped with an

efficiently airtight, flexible nonmetallic material that is compressed airtight when the window is closed.

Horizontally sliding sash windows may be used only if the sash is weather stripped with an efficiently airtight gasket and if the window has a laboratory sound transmission rating of STC-28 or greater.

Glass for fixed-sash windows shall be set and sealed in an airtight non-hardening glazing compound or in an elastomer gasket.

The perimeter of window frames shall be sealed airtight to the exterior wall construction and all gaps between the window frame and the wall framing shall be filled with an insulating foam or stuffed with batt insulation.

### *Doors*

All exterior doors shall be one and three-quarter inch solid core wood or metal clad door and shall be fully weather stripped in an airtight manner and all gaps between the window frame and wall framing shall be filled with an insulating foam or stuffed with batt insulation.

Sliding doors may be used if the operable sash is weather stripped with an efficient airtight gasket and if the door has a laboratory sound transmission rating of STC-28 or greater. Glass of sliding doors shall be minimum three-sixteenth's of an inch thick.

The perimeter of door frames shall be sealed airtight to the exterior wall construction.

### *Ceilings*

Minimum half inch thick gypsum board or plaster ceilings shall be provided below attic space or roof rafters or roof construction less than eight psf.

A minimum thermal resistance (R) factor of nineteen shall be provided above the ceiling between the joists. Insulation in attic space shall have no paper or foil covering on the face exposing to the attic.

### *Ventilation*

Mechanical ventilation shall be provided of a type and design to provide adequate environmental comfort with all doors and windows closed during all seasons.

Window and through-the-wall ventilation units shall not be allowed.

Vent openings in attic or crawl spaces shall be minimum in number and size to provide proper ventilation. A “vent” shall mean a conduit or passageway, vertical or nearly so, for conveying products of combustion to the outside atmosphere.

Return air duct lining shall be one inch minimum coated glass fiber duct liner.

Fireplaces shall be provided with well-fitted dampers.

- b. Building Requirements for a Minimum Noise Level Reduction of 30 dB (within the 70 and above LDN):

#### *Exterior Walls*

Masonry block units shall be equivalent in weight to minimum six inch dense concrete block. At least one surface shall be painted or plastered. A furred interior wall is not required on the inside of masonry walls.

Siding-on-sheathing, stucco or brick veneer shall be installed on the outside of minimum four inch nominal deep studs.

Interior wall surface of exterior walls shall be minimum five-eighth inch gypsum board or plaster installed on the inside of the wall studs.

Continuous sheathing as required by the code shall cover the exterior side of the wall studs behind wood, asphalt or aluminum siding. The sheathing shall be minimum half-inch thick. The weight of the sheathing and facing shall be at least four psf.

Sheathing boards or panels shall be butted tightly and covered on the exterior with overlapping and airtight building paper. The top and bottom edges of the sheathing shall be sealed airtight.

A minimum thermal resistance (R) factor of thirteen shall be provided in the cavity space behind the exterior sheathing and between wall studs with glass fiber or mineral wool.

Brick veneer, masonry blocks or stucco walls shall be constructed airtight except as otherwise required by the code. All surface joints shall be grouted or caulked airtight.

Penetration of wall by pipes or ducts shall be caulked or filled with mortar.

#### *Windows*

Single-glazed windows may be used if the window is fixed and if the glazing is acoustical glass with a laboratory sound transmission rating of minimum STC-35.

Glass of double-glazed windows shall be minimum of three-sixteenth's of an inch in thickness. Panes of glass shall be separated by a minimum quarter-inch air space and shall not be equal in thickness.

Glass of triple-glazed windows shall be of standard manufacturer's width and separation.

Double and triple glazed windows shall contain fixed sash or efficiently weather stripped operable sash. The sash shall be rigid and weather stripped with an efficiently airtight material that is compressed airtight when the window is closed.

Glass of fixed-sash windows shall be set and sealed in an airtight non-hardening glazing compound or in a elastomer gasket.

The perimeter of window frames shall be sealed airtight to the exterior wall construction and all gaps between the window frame and the wall framing shall be filled with an insulating foam or stuffed with batt insulation.

The total area of glass of both windows and doors in sleeping spaces shall not exceed twenty percent of the net floor area.

### *Doors*

Double-door construction is required for all door openings to the exterior. If doors are separated by a vestibule of three-foot minimum depth, each door shall be one and a half-inch minimum solid core wood or metal clad door. One door shall be weather stripped in an airtight manner. The other door shall be tightly fitted to the door frame or shall be weather stripped.

If no vestibule is used, a one and three-quarters of an inch minimum solid core wood door may be used in series with a storm door. Both doors shall be weather stripped in an airtight manner.

Single-frame sliding glass doors shall not be used. The glass of double sliding doors shall be separated by a minimum one-quarter of an inch airspace. Each sliding frame shall be provided with an efficiently airtight weather stripping material.

Glass of storm and sliding doors shall be minimum three sixteenth's of an inch. Glass of double sliding doors shall not be equal in thickness.



The perimeter of door frames shall be sealed airtight to the exterior wall construction.

### *Roofs*

Roof sheathing shall be minimum three quarter inch thick continuous plywood. Spaced board-sheathing shall not be used.

Roof sheathing joints shall be sealed airtight and shall be covered with overlapping, airtight building paper.

Exposed roof decks shall be minimum two inch thick wood or concrete, and the total weight of the roof construction shall be a minimum of twelve psf.

### *Ceilings*

A minimum half inch thick gypsum board or plaster ceiling shall be provided below attic spaces or below the roof rafters or roof decks less than two inches thick and weighing less than twelve psf.

The ceiling shall be a minimum of twelve inches below the roof sheathing.

A minimum thermal resistance (R) factor of twenty-three shall be provided above the ceiling between the joists. Insulation in attic space shall have no paper or foil covering on the face exposing to the attic.

### *Ventilation*

Mechanical ventilation shall be provided of a type and design to provide adequate environmental comfort with all doors and windows closed during all seasons.

Window and through-the-wall ventilation units shall not be used.

Vent openings in attic or crawl spaces shall be minimum in number and size. The openings shall be provided with five-foot long transfer ducts containing at least one ninety degree elbow and internal acoustical lining.

Ventilation ducts connecting the interior space to the outdoor or attic space shall contain at least ten-foot long internal duct lining plus one limited ninety degree elbow.

Duct lining shall be coated glass fiber duct liner of one inch minimum thickness.

Operational vented fireplaces shall not be used.

Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.

Doors to mechanical equipment areas shall be one and three-quarter inch minimum solid core wood or twenty gauge steel hollow metal and shall be fully weather stripped.

*Other*

All sleeping spaces shall be provided with either carpeting or an acoustically treated ceiling.

Through-the wall/door mailboxes shall not be allowed.

- B. Bona fide acoustical noise consultants shall include members of the National Council of Acoustical Consultants and others who are approved by the building official, such approval being based on the demonstration of competence and credentials in the area of architectural acoustics.
- C. A building or structure which is located partly within a noise zone and partly without, or located partly within one noise zone and partly within another noise zone shall be considered to be entirely within the most restrictive of the noise zones within which it is located.

(Ord. No. 90-42, § I (5-8-2), 5-8-90; Ord. No. 93-25, § I, 4-13-93)

**Secs. 8-341--8-369. Reserved.**

## **ARTICLE V. UNSAFE BUILDINGS OR OTHER STRUCTURES**

### **DIVISION 1. GENERALLY**

#### **Sec. 8-370. Scope.**

This chapter shall apply to all dangerous buildings or other structures and/or any of its components or systems and shall apply equally to new and existing conditions. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-371. Definitions.**

*Board* means the construction board of appeals of the city of Killeen.

*Building official* shall mean the officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this chapter.

*Construction standards* means all of the construction codes adopted in this chapter.

*Dangerous building or structure* means any premises, building or structure that is:

- (a) Regardless of the structural condition of the building or structure, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by minors; or
- (b) Boarded up, fenced, or otherwise secured in any manner if:
  - (1) The building constitutes a danger to the public even though secured from entry; or
  - (2) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described in subdivision (a) of this definition; or
- (c) Dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety and welfare. A building, premises or structure that contains the following defects shall be considered a dangerous building or structure under this definition:
  - (1) Those buildings or structures whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
  - (2) Those buildings or structures which, exclusive of the foundations, show 33 percent or more damage or deterioration to the supporting member or members, or 50 percent damage or deterioration to the nonsupporting enclosing or outside walls or covering;
  - (3) Those buildings or structures:
    - a. Which have improperly distributed loads upon floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used; or
    - b. In which the stress in any material, member or portion thereof, due to all imposed loads, including dead load, exceeds the stresses allowed in the construction standards adopted by the city;
  - (4) Those buildings or structures which have been damaged by fire, flood, earthquake, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the general public;
  - (5) Those buildings or structures which have been damaged by fire, flood, earthquake, wind, or other causes to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirements established by the construction standards adopted by the city for new buildings;
  - (6) The condition of the structure or building is likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein or to persons or property in its vicinity;

- (7) A building, structure, or portion thereof which, as a result of decay, deterioration or dilapidation, is reasonably likely to fully or partially collapse;
- (8) Those buildings or structures having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who occupy the building or structure;
- (9) Those buildings or structures having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication in order to evacuate in a timely and expedient manner in order to avoid injury or peril from within;
- (10) Those buildings or structures which have:
  - a. Parts thereof which are detached that they may reasonably be expected to fall and injure members of the public or property, or
  - b. Any exterior appendage or portion of the building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind or similar loads as required by the construction standards adopted.
- (11) Those buildings, structures, or a portion thereof, that do not contain sufficient space for sleeping or occupation of the building;
- (12) Those buildings or structures which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare;
- (13) Those buildings or structures that are unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment;
- (14) Those buildings or structures that have been constructed or maintained in violation of a specific requirement of any of the construction codes adopted in chapter 8 or contrary to any State law.

*Structure* means a building or other structure, or part of a building or other structure.

*Unsafe equipment* means equipment on the premises or within a structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure to include any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment.

*Unsafe building or structure* means one that is found to be dangerous to the life, health, property or safety of the public or occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

*Vacate* means to leave the premises and not return until further allowed by the building official or the board.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09)

**Secs. 8-372--8-380. Reserved.**

**DIVISION 2. ENFORCEMENT AND ABATEMENT**

**Sec. 8-381. Public nuisance.**

All “dangerous buildings or structures” within the terms of section 8-371 are declared to be public nuisances, and shall be abated as provided in this chapter. (Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-382. Standards for repair, vacation or demolition.**

The standards for ordering repair, vacation and/or demolition of a building or other structure shall be as follows:

(a) *Ordered repaired.* If the dangerous building or structure can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this chapter, it shall be ordered remedied or repaired. Repairs shall be deemed feasible only if less than 50 percent of the structure of the building must be repaired or replaced or the value of the structure is reduced by less than 50 percent because of the violations. Value shall be determined by comparing the most recent valuation for the building or structure by the Bell County Tax Appraisal District with the valuation of the building or structure two years prior to the most recent valuation by the Bell County Tax Appraisal District.

(b) *Ordered vacated and/or secured.* If the dangerous building or structure is in such a condition as to make it hazardous to the health, safety or general welfare of its occupants or the public, it shall be ordered vacated and secured, and the order may also require the occupants to be relocated.

(c) *Ordered demolished.* In any case where more than 50 percent of a building or structure is damaged, decayed or deteriorated, it shall be ordered demolished or removed, unless the board deems that the structure can be feasibly repaired or the condition remedied. In all cases where a building cannot be repaired, it shall be ordered demolished.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

**Sec. 8-383. Minimum standards for continued use or occupancy.**

In this chapter, the minimum standards that shall determine the suitability of a building for continued use or occupancy, regardless of the date of construction, are those found in article IV of the city’s adopted construction standards, as amended by the city. (Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

**Sec. 8-384. Commencement of proceedings.**

Whenever the building official has determined that a structure is a dangerous building or structure, he shall obtain a date and time for a public hearing before the board to determine whether the building complies with the standards set out in this chapter. The building official may seek voluntary compliance with this chapter with the owner, lienholder, or mortgagee of the building or structure before seeking a hearing before the board. If the building official receives voluntary compliance from the owner, lienholder or mortgagee, the building official need not seek a public hearing from the board. (Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-385. Notice of hearing.**

(a) Notice of the public hearing required under section 8-384 shall be sent to the owner of record, lienholder, and mortgagee of the affected property. The notice shall be served at least thirty (30) calendar days there from prior to the hearing date. The notice may be served personally or by certified mail, return receipt. The executed return receipt shall be prima facie evidence of service. If the owner of record, lienholder, or mortgagee of the building cannot be identified, the city shall make a diligent effort, use its best efforts, or make a reasonable effort to determine the identity and address of an owner, a lienholder, or mortgagee. If a notice is mailed according to this subsection and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice shall be deemed to be delivered.

(b) The city may file a notice of the hearing in the official public records of real property for Bell County.

(c) The filing of the notice of hearing in the official public records of real property for Bell County is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

**Sec. 8-386. Contents of notice.**

(a) The notice shall contain:

- (1) The name and address of the owner of the affected property if that information can be determined;
- (2) A legal description of the affected property; and
- (3) A description of the hearing.

(b) A notice of a public hearing required by section 8-384 sent to an owner, lienholder or mortgagee shall:

- (1) Include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing written proof of the scope of any work that may be required to comply with this chapter and the time it will reasonably take to perform the work; and
- (2) Contain a description of each violation which allegedly exists, a statement that the city may perform the required work to abate the violation if the owner fails to do so, and an explanation of the owners right to a hearing before the board.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-387. Public hearing.**

At the hearing the building official shall present evidence of the condition of the structure and may recommend a course of action. The owner, lienholder, mortgagee or any other interested party may present evidence on any relevant issues. (Ord. No. 02-24, § I, 5-28-02)

#### **Sec. 8-388. Board orders.**

(a) After the public hearing, if a structure is found in violation of standards set out in this chapter or any other applicable ordinances, the board may:

- (1) Find the structure to be a dangerous building or structure and order that the building or structure be vacated, secured, repaired, removed or demolished by the owner within a reasonable time. The board may order that the owner relocate the occupants within a reasonable time; or
- (2) Grant a variance in order to avoid the imposition of an unreasonable hardship; or
- (3) In the case of a single-family dwelling occupied by the owner where the health, safety and welfare of other persons will not be affected, grant an exception to any provision of this chapter to avoid the imposition of an unreasonable hardship.

(b) The mortgagees and lienholders may be provided an additional reasonable amount of time to comply with the ordered action in the event the owner fails to comply with the order within the time provided for action by the owner.

(c) A board order shall require the owner, lienholder, or mortgagee of the building to within 30 days:

- (1) Secure the building from unauthorized entry; or
- (2) Repair, remove or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.

(d) If the board allows the owner, lienholder, or mortgagee more than 30 days to repair, remove or demolish the building, the board shall set specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the board.

(e) The board may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

- (1) Submits a written detailed plan and time schedule for the work at the hearing; and
- (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(f) If the board allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove or demolish the building, the board will require the owner, lienholder, or mortgagee to regularly submit progress reports, as defined by the board, to the building official to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the board or the building official to demonstrate compliance with the time schedules.

(g) If the board allows the owner, lienholder, or mortgagee to repair, remove or demolish the building, the work shall be done in compliance with all permitting requirements of the city and State of Texas. Any repair work must comply with the applicable codes for the work to be completed.

(h) If the owner, lienholder, or mortgagee owns property, including structures and improvements on property, within the city limits of the city with a value that exceeds \$100,000.00 in total value, the board may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate enough to cover the cost of repairing, removing or demolishing a building or structure under subsection (f) of this section. In lieu of a bond, the board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or guaranty from a third party approved by the board. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30<sup>th</sup> day after the board issues the order. Value may be determined by using the appraised value of real property and improvements as determined by the Bell County Tax Appraisal District, or its successor in interest.

(i) The owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the applicable city ordinances and the time it will take to reasonably perform the work.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09)

#### **Sec. 8-389. Actions subsequent to board order.**

(a) Within ten (10) days after the date the order is issued, the city shall:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish in a newspaper of general circulation in the city in which the building is located a notice containing:



- a. The street address or legal description of the property;
- b. The date of the hearing;
- c. A brief statement indicating the results of the order; and
- d. Instructions stating where a complete copy of the order may be obtained.

(b) The building official shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The city shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building. If a copy of the order is mailed according to this subsection and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the mailing is not affected, and the copy of the order shall be deemed to be delivered.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09)

#### **Sec. 8-390. Compliance with board order.**

(a) If the building is not vacated, secured, repaired, removed or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.

(b) If the city incurs expenses under subsection (a) of this section, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk of Bell County. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. The lien is a privileged lien, subordinate only to tax liens.

(c) This section does not limit the city’s ability to collect on a bond or other financial guaranty that may have been required by section 8-388(h).

(Ord. No. 02-24, § I, 5-28-02)

#### **Sec. 8-391. City’s authority to secure a dangerous structure.**

(a) The city may secure a building the building official determines:

- (1) Violates the minimum standards; and
- (2) Is unoccupied or is occupied only by persons who do not have a right of possession to the building.

(b) Before the 11<sup>th</sup> day after the date the building is secured, the building official shall give notice to the owner by:

- (1) Personally serving the owner with written notice;

- (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
- (3) Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation if personal service cannot be obtained and the owner's post office address is unknown; or
- (4) Posting the notice on or near the front door of the building if personal service cannot be obtained, and, the owner's post office address is unknown.

(c) The notice must contain:

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of the city standards that is present at the building;
- (3) A statement that the city will secure or has secured, as the case may be, the building; and
- (4) An explanation of the owners entitlement to request a hearing about any matter relating to the city's securing of the building.

(d) The board shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within 30 days after the date the city secures the building, the owner files with the building official a written request for the hearing. The board shall conduct the hearing within 20 days after the date the request is filed.

(e) If the city incurs expenses under this section, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building is located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which building was located, the amount of expenses incurred by the city, and the balance due.

(f) After the hearing conducted in accordance with subsection (d) of this section, the board may:

- (1) Uphold the city's actions;
- (2) Order that the amount of the lien assessed under subsection (e) of this section be reduced or extinguished.

(g) The authority granted by this section is in addition to any other remedy provided in this chapter or by state law.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 06-18, § I, 2-14-06; Ord. No. 09-016, § I, 2-24-09)

**Sec. 8-392. Additional authority regarding substandard building.**

(a) A board order issued pursuant to section 8-388 may require that after the expiration of the time allotted for repair, removal or demolition of a building:

- (1) That the city repair, remove or demolish the building or structure at the expense of the city and may place a lien on the land which the building stands or to which it is attached for the expenses of the repair; or
- (2) Assess a civil penalty against the property owner for failure to repair, remove or demolish the building and may recover the penalty by placing a lien on the property.

(b) The city may repair a building under subsection (a) of this section only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.

(c) If the board orders the building or structure repaired or assesses a civil penalty against the owner under subsection (a) of this section, the city shall impose a lien against the land on which the structure stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair expenses or the civil penalty. Promptly after the imposition of the lien, the city must file for record, in recordable form in the office of the county clerk of Bell County, a written notice of the imposition of the lien. The notice must contain a legal description of the land.

(d) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten (10) percent per year from the date of the assessment until paid in full.

(e) The city's right to the assessment lien cannot be transferred to third parties.

(f) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

(g) The board may assess by order, and the city may recover, a civil penalty against a property owner at the time of the board hearing on violations of this chapter in an amount not to exceed \$1,000.00 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10.00 a day for each violation, if the city proves:

- (1) The property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements; and
- (2) After notification, the property owner committed acts in violation of the ordinance or failed to take an action necessary for compliance with the ordinance.

(i) Notice of an action taken under subsection (a) of this section shall be the same notice provided for in section 8-389.

(j) The authority granted by this section is in addition to any other remedy provided in this chapter or by state law.

(Ord. No. 02-24, § I, 5-28-02)

### **Sec. 8-393. Diligent or best efforts by the city.**

Under this chapter, the city is deemed to have made a diligent effort, used its best efforts, or made a reasonable effort to determine the identity and address of an owner, a lienholder, or mortgagee if it searches the following records:

- (a) County real property records of the county in which the building is located;
- (b) Appraisal district records of the appraisal district in which the building is located;
- (c) Records of the secretary of state;
- (d) Assumed name records of the county in which the building is located;
- (e) Tax records of the city; and
- (f) Utility records of the city.

(Ord. No. 02-24, § I, 5-28-02)

### **Sec. 8-394. Responsibility for expense of repair, removal, demolition, etc.**

(a) Demolition, closure, removal or repair of a structure may be accomplished by the owner in compliance with this section or by the city. The expense of demolition, closure, correction, removal or repair, when performed under contract with the city or by city forces and filed in accordance with the law, constitutes a lien against the real property on which a structure stood and the lien runs and is attached to the land.

(b) The city may use all other lawful means to collect costs from an owner.

(Ord. No. 02-24, § I, 5-28-02)

### **Sec. 8-395. Timely vacation of structure.**

(a) Each occupant of a structure or dwelling unit that has been ordered vacated shall vacate the structure or dwelling unit within the time specified in the order. It is unlawful for any person to occupy a structure or dwelling unit that has been ordered vacated.

(b) A person who is ordered to vacate a structure shall not be considered a displaced person and shall not be eligible for relocation assistance if:

- (1) The person is ordered to vacate a structure as a consequence of his own intentional or negligent conduct; or
- (2) The person began occupying the structure after the building official placed a red placard on the structure warning of its dangerous condition.

(Ord. No. 02-24, § I, 5-28-02; Ord. No. 09-016, § I, 2-24-09)

**Sec. 8-396. Placing of placard on structure.**

The building official may place a red placard on a structure or dwelling unit that is unsanitary or unsafe warning of its dangerous condition. A person commits an offense if:

(a) Without authority from the building official, he removes or destroys a red placard placed by the building official;

(b) He occupies a vacant structure or dwelling unit on which the building official has placed a red placard; or

(c) As owner of a structure or dwelling unit, he allows a person to occupy or continue to occupy a structure or dwelling unit on which he is aware or should be aware that the building official has placed a red placard.

(Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-397. Emergency cases.**

(a) In cases where it reasonably appears there is an immediate and imminent danger to the life or safety of any person unless a dangerous building as defined in this chapter is immediately vacated, repaired, closed or demolished, the building official shall cause the immediate vacation, repair, closure or demolition of such dangerous building or part thereof. The building inspector shall use the least intrusive means to abate the emergency.

(b) The building inspector shall make reasonable attempts to notify the affected persons in accordance with section 8-388. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the manner as provided for by section 8-394.

(Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-398. Disconnecting public utilities.**

The building official may request that public utilities be disconnected in order that demolition may be accomplished without delay when an order for demolition has been issued or when an emergency situation exists. (Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-399. Violation, penalty.**

Any violation of any provision of this chapter constitutes a misdemeanor and upon conviction thereof is subject to a fine in accordance with the provisions of section 1-8 of this code of ordinances. Each and every day a violation continues constitutes a separate offense. (Ord. No. 02-24, § I, 5-28-02)

**Sec. 8-400. Civil penalty.**

In addition to imposing a criminal penalty, the city may, in accordance with 1175(f) of Vernon's Civil Statutes, bring a civil action against a person violating a provision of this chapter

relating to dangerous buildings. The civil action may include, but is not limited to a suit to recover a civil penalty not to exceed \$1,000.00 for each day or portion of a day during which the violation is committed, continued or permitted. (Ord. No. 02-24, § I, 5-28-02)

#### **Sec. 8-401. Judicial review.**

(a) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the board issued under section 8-388 may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by the owner, lienholder, or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the municipality is mailed to them by first class mail, certified return receipt requested, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.

(b) On the filing of the petition, the court may issue a writ of certiorari directed to the city attorney to review the order of the board and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than 10 days, and served on the relator or the relator's attorney.

(c) The city attorney may not be required to return the original papers acted on by it, but it is sufficient for the city attorney to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.

(d) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(e) The issuance of the writ does not stay proceedings on the decision appealed from.

(f) Appeal in the district court shall be limited to a hearing under the substantial evidence rule. The court may reverse or affirm, in whole or in part, or may modify the decision brought up for review.

(g) Costs may not be allowed against the city of Killeen.

(h) If the decision of the board is affirmed or not substantially reversed but only modified, the district court shall allow to the city all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners, lienholders, or mortgagees as well as all persons subject to the proceedings before the board.

(Ord. No. 02-24, § I, 5-28-02)

#### **Sec. 8-402. Seizure and sale of property to recover expenses.**

The city may foreclose a lien on property under this article in a judicial proceeding, if:

(a) a building or other structure on the property has been demolished;

(b) a lien for the cost of demolition of the building or other structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; and

(c) ad valorem taxes are delinquent on all or part of the property.  
(Ord. No. 02-24, § I, 5-28-02)

**Secs. 8-403--8-499. Reserved.**

## **ARTICLE VI. LANDSCAPING REGULATIONS**

**Sec. 8-500. Short title.**

The following regulations are hereby adopted and shall be known and may be cited as “City of Killeen Landscaping Regulations.” (Ord. No. 04-40, § I, 5-11-04)

**Sec. 8-501. Purpose.**

The purpose of this article is to promote the following community benefits:

(a) *Sustainability*. To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retardation, while at the same time aid in abating soil erosion, noise, glare and heat.

(b) *Retention of vegetation*. To ensure that healthy quality trees and native vegetation are retained and replenished to the greatest extent practicable.

(c) *Visual buffering*. To provide visual buffering and to enhance the beautification of the city.

(d) *Enhancement of property values*. To safeguard and enhance property values and to protect public and private real estate investments.

(e) *Preservation of economic base*. To preserve and protect the unique identity and environment of the city and to preserve the economic base attracted to the city by these factors.

(f) *Conservation*. To conserve energy and natural resources.

(g) *Protection*. To promote the health, safety and general welfare of the city.  
(Ord. No. 04-40, § I, 5-11-04)

**Sec. 8-502. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

*Best management practices* shall mean measures undertaken during the course of development that reduce the amount of pollutants entering surface waters, ground waters, air or land, and may take the form of a process, activity or physical structure.

*Building* shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind.

*Caliper* shall mean the diameter of a predominant tree trunk measured twelve (12) inches above the base of the trunk.

*Canopy tree* shall mean any self-supporting woody-stemmed plant with a well-defined trunk and a distinct and definite formed crown, which will attain a mature height of at least thirty (30) feet above ground.

*Development* shall mean the construction of one (1) or more new buildings or structures, relocation or enlargement of one (1) or more new buildings or structures of an existing building or structure on one (1) or more building lots or sites, or the installation of site improvements to include parking lots.

*Drip line* shall mean the area beneath the canopy of a tree defined by a vertical line extending from the outermost edges of the tree branches to the ground.

*Existing tree* shall mean any self-supporting woody-stemmed plant with a well-defined trunk that is present on a property before its development.

*Grass* shall mean any herbaceous plant species that will attain a thick cover over soil.

*Ground cover* shall mean any woody or herbaceous planting that effectively shades out sod and will not attain a height of more than two (2) feet above the ground.

*Landscaping* shall mean altering, re-arranging or adding to existing vegetation or landforms, including reshaping of the land by moving earth, preserving native vegetation or adding new vegetation, or any combination of these land treatments.

*Lot* shall mean an undivided tract or parcel of land having access to a street, which is designated as a separate and distinct tract or lot number or symbol on a duly approved plat filed of record. The terms "lot" and "tract" shall be used interchangeably.

*Non-canopy tree* shall mean any self-supporting woody-stemmed plant with one or more trunks, which will attain a mature height of at least fifteen (15) feet above ground.

*Planting materials* shall mean living trees, shrubs, ground cover, grasses, forbs and flowering annuals, biennials and perennials.



*Shrub* shall mean a perennial plant that is distinguished from a herbaceous plant by its persistent woody stem, and from a tree by a mature height of less than fifteen (15) feet and no distinct elevated crown of foliage.

*Street yard* shall mean the area of a lot or parcel located between the street right-of-way line(s) and each building that faces the said street right-of-way.

*Structure* shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types and off-premise ground signs, but exclusive of customary fences or boundary or retaining walls.

*Substantial damage* shall mean the cost to repair or replace existing development that is more than 50% of the value of the building or structure before the damage occurred. For the purpose of this definition, the original valuation shall be determined by the county tax records.

*Substitute landscaping plan* shall mean a plan submitted for approval that differs from the standard landscaping requirements. Such substitute landscape plan shall clearly denote the differences from the standard required landscaping from the proposed substitute plan.

*Vegetation* shall mean any growing plant material.

*Xeriscaping* shall mean landscaping through use of slow-growing, native or adaptive vegetation that is drought tolerant.

(Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

### **Sec. 8-503. Applicability.**

(a) Except as otherwise provided in this article, these regulations shall apply to all property within the city limits. These regulations shall run with the land and shall apply to any subsequent owner thereof.

(b) When the requirements of this article conflict with the requirements of other provisions of this code, this article shall prevail; however, the provisions of this article shall be subordinate to regulations pertaining to traffic and pedestrian safety.

(Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

### **Sec. 8-504. Administration and enforcement.**

(a) The provisions of this article shall be administered by the building official, and shall be enforced by the building official or other official, such as a code enforcement officer, through issuance of stop work orders, or citations or summons.

(b) While this ordinance establishes required landscape requirements, the city of Killeen encourages property owners of exempt properties to improve the value of their property, enhance the beauty of the city and assist in sustaining the environment by landscaping.  
(Ord. No. 04-40, § I, 5-11-04)

#### **Sec. 8-505. Penalty.**

Unless otherwise stated, violations of this article shall be punishable under the provisions of section 1-8 of the city code of ordinances. (Ord. No. 04-40, § I, 5-11-04)

#### **Sec. 8-506. Landscaping required.**

(a) Landscaping is required for any type of new construction, including public owned and used property as follows:

1. New construction of one or more new buildings or new parking, loading or vehicle storage space development within a vacant lot.

*Exception.* Accessory storage sheds 200 square feet or less shall not be considered new construction.

2. Construction of a new building or an addition to an existing building located within an existing developed lot that increases the total sum of all existing building footprint(s) on the lot by thirty percent (30%) or more.
3. Construction of any parking, loading or vehicle storage space additions or extensions within an developed lot that increases the total sum of all existing parking, loading or vehicle storage space(s) less than 90,000 square feet by thirty percent (30%) or more.

Any existing buildings or parking, loading or vehicle storage space areas to be removed for proposed new development shall not be considered for existing building or parking credits. The building footprint shall include the foundation line of the building(s) and include any roof projections at their outer most support lines. Any new development cannot be used as existing development credit until after one (1) year from final city approval of such development.

(b) Should there be no land available for landscaping or should the area available for landscaping be severely restricted, the applicant may seek approval from the building official for alteration or modification of these landscaping requirements. It is the intent of the city of Killeen to empower the building official to apply good judgment and common sense in evaluating such requests for alternative plans.

(c) Common development that encompasses more than one lot may be treated as one project for the purposes of application of this section. Split ownership, planning in phases, construction in stages, or multiple building permits for a project may not prevent it from being considered a common development, provided that a comprehensive site plan is submitted for all portions of the development being considered as a common development.

(d) Upon prior approval from the building official, phased development within a single lot that is 90,000 square feet or more in size may be landscaped in two (2) or more phases. A master landscape plan must be submitted for the entire project at the beginning of the first phase submittal denoting such phases.

(Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-507. Exceptions.**

Landscaping is not required for the following development:

(a) Any development in existence before the effective date of the ordinance from which this article is derived;

(b) Residential development located within lots or parcels within zoning districts “A” agricultural, “A-R1” agricultural single-family residential, “R-1” single-family residential, “R1-A” single-family garden home, “RM-1” residential modular home single-family, “RT-1” residential townhouse single-family, “R-2” two-family residential and “R-MS” manufactured housing subdivision;

(c) Residential development lots for the construction of a single allowable dwelling structure on a single lot or parcel located within zoning district “R-3” multifamily residential in the form of a building permit or plat submitted to the city before the original effective date of the ordinance from which this article is derived;

(d) Any commercial development in the form of a building permit submitted to the city before the effective date of the ordinance from which this article is derived; and

(e) Restoration of a conforming use building that has been damaged, destroyed or demolished, which does not qualify as substantial improvement.

(Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-508. Landscape plan required.**

(a) When a building permit application is required, a landscape plan shall be prepared and submitted to the city. It shall contain the following information:

- (1) Date, graphic scale, north arrow, title and name of applicant/owner;
- (2) Location of existing boundary lines and dimensions of the lot or tract;
- (3) Approximate centerline of existing watercourses or drainageways; location of significant drainage features; and the location and size of existing and proposed streets, alleys, utility and fire lanes, and sidewalks;
- (4) Location, size, number, and type (tree, shrub, ground cover, grass) of landscaping in proposed areas and location and size of proposed landscaped areas;
- (5) Information necessary for verifying the required minimum amount of landscaping as well as any substitute landscape comparisons; and
- (6) Location and size of the proposed bib hose or irrigation system, if required.

(b) Persons desiring use of special or unusual plant materials, or unique landscaping materials, as a part of an overall site design shall prepare a substitute landscape plan. Such plan shall include all information required to support the need for substitute landscaping. Artificial planting materials shall not be credited toward the landscaping requirements of this article.

(c) Native plant species that conserve water and may have reduced maintenance requirements are suggested for use in landscaping plans. Landscape planning advice may be obtained by contacting the Bell County Extension Office.

(d) The landscaping plan shall ensure that all impervious areas are developed and maintained in a manner that employs best management practices to control soil erosion and excess sedimentation.

(e) Landscaping provided in vehicular and pedestrian use areas shall be designed so that the maturing of the landscaping will not conflict with the lighting scheme or such traffic areas. (Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

**Sec. 8-509. Landscaping standards for single-structure use lots located on R-3 multifamily zoned districts.**

(a) All single-structure use lot located within zoning district “R-3” multifamily residential developed after the original effective date [August 11, 2004] of the ordinance from which this article is derived shall have installed not less than six (6) three-gallon (minimum) shrubs and two (2) two-inch caliper (minimum) trees within the street yard. The remaining portion of the street yard(s) shall be planted in ground cover or grass.

(b) Existing landscaping that matches or exceeds the required number, size, and type of landscaping located in the side or rear yards of a three and four-family dwelling lot or parcel may be credited toward the requirements of this section.

(c) All required landscaping required by this section shall be in place and in a thriving condition on the date a final inspection and/or certificate of occupancy is issued for the structure or should seasonal planting be an issue, partial landscaping may be delayed to a later date with the approval of the building official. Such request shall be in writing, state the reasons for delay, and present a timeline for completion as required in section 8-514. (Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

**Sec. 8-510. Landscaping standards for non-residential, multiple apartment complex development, and commercial use lots and parcels.**

(a) *Landscaping required.* Minimum required landscaping shall be determined by this section. Where possible, approximately fifty percent (50%) of the required landscaping should be located in the street yard; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.

(b) *Trees*. The following requirements shall apply to tree landscaping:

- (1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 25. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one street frontage by dividing the total lot frontages by 30 instead of 25.
- (2) Not less than fifty percent (50%) of the required trees planted in the area to be landscaped shall be canopy trees.
- (3) Newly planted trees shall measure at least two (2) inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
- (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
- (5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (6) Recommended plantings include the quality tree species listed in subdivision A.

(c) *Shrubbery*. The following requirements shall apply to shrubbery landscaping:

- (1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by 5. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.
- (2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, 10 shrubs can be substituted for 1 canopy tree and 6 shrubs can be substituted for a non-canopy tree.
- (3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).
- (4) Shrubs shall not be less than three (3) gallons in size.
- (5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(d) *Ground cover*. The following requirements shall apply to ground cover landscaping:

- (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
- (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may

be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.

(e) *Irrigation*. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used. (Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-511. Landscaping standards for parking lots.**

(a) *Area required*. The minimum amount of landscaped area required for parking, loading or vehicle storage space development within a single lot that is 90,000 square feet or more shall be five percent (5%) of all vehicular use areas, which shall be devoted to landscape islands, peninsulas or medians.

(b) *Street yard landscape credit*. Landscape islands, peninsulas and medians may be included in calculating the minimum required street yard landscaping.

(c) *Distribution of landscaping*. The number, size and shape of landscape islands, peninsulas, and medians, in both street and non-street yards, shall be at the discretion of the applicant. All required islands, peninsulas and medians shall be reasonably distributed throughout parking areas; however, the distribution and location of landscape islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total landscape area requirement for all parking areas is satisfied.

(d) *Irrigation*. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping watering plan is used. (Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-512. Landscaped buffer screening devices.**

(a) Where approved by the building official, a landscaped buffer may be planted to meet the screening device requirements specified within chapter 31 – zoning regulations, sections 31-250 and 31-280. Such alternate screening shall become applicable only upon a change of land use, property ownership, or building occupancy, or at such time a building permit application is made, except as otherwise specified within this chapter.

(b) A landscaped buffer shall provide a visual barrier from adjacent properties and streets. The owner of the property on which the landscaped buffer screening is planted shall permanently and adequately maintain such screening.

(c) Landscaped buffer screening shall consist of earthen and planting materials not less than five (5) feet in width and include hedge-like shrubbery or evergreen planting materials capable of obtaining a minimum height of six (6) feet within the first three (3) years of initial planting.

(d) Where approved by the building official, an earthen berm with elevated planting materials may be used as a landscaped buffer to meet the requirements of this section.

(e) If required, an automatic underground drip irrigation or sprinkler system shall be provided for all landscaped buffer screens. A landscaped buffer shall be continuously maintained in a healthy thriving condition.

(Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-513. Public rights-of-way.**

(a) Landscaping shall not be placed in a public right-of-way without the approval of the building official and city engineer, and in the case of right-of-way controlled by the state, only with the approval of the State Department of Transportation.

(b) Landscaping shall not be located or placed so as to obstruct any fire lane, fire hydrant, or similar connection, nor shall landscaping be placed in a manner that obstructs emergency ingress/egress access to any building.

(c) Landscaping shall not obstruct views between the street and access drives or parking aisles near street yard entries and exits, nor shall any landscaping obstruct views within the radius of any curb return.

(d) Sight triangles shall be maintained for all landscaped property at all driveways and street intersections in accordance with section 28-241, visibility at intersections of the Killeen code of ordinances.

(Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-514. Completion and maintenance.**

(a) The building official shall review all landscaping for compliance with this article. Landscaping shall be completed in compliance with the approved landscape plan before a final inspection and/or certificate of occupancy is issued, unless otherwise provided in this article. In the event that placement of certain or partial landscaping materials is not practicable at the time the final inspection and/or certificate of occupancy is requested, a written placement schedule shall be submitted to the building official for approval before issuance of the certificate of occupancy. Such request cannot exceed forty-five (45) days unless an escrow for the cost of completion is provided. Failure to meet the approved placement schedule and place the required landscaping materials as shown on the landscape plan shall constitute a violation of this article.

(b) Dead, damaged, diseased or displaced landscaping shall be promptly replaced or repaired, and in any event, within a reasonable time after notification by the building official. Replaced or repaired landscaping shall be of similar type and character as the material it replaces.

(c) Replacement of dead landscaping shall occur within thirty (30) days of the required replacement date issued by the building official or other official, such as a code enforcement officer. In the event that placement of dead landscaping materials is not practicable within thirty (30) days of notification, a placement schedule shall be submitted to the building official for approval. Replacement material shall be of similar type and character as the dead landscaping. Failure to replace dead landscaping, as required by the building official, shall constitute a violation of this article.

(d) Should installed landscaping not be maintained or is determined to not be in compliance with this article, the landscaping shall be declared a nuisance and the property owner shall replace it with materials that are in compliance with the requirements of this article.  
(Ord. No. 04-40, § I, 5-11-04; Ord. No. 06-18, § I, 2-14-06)

#### **Sec. 8-515. Appeals.**

The construction board of appeals shall hear all appeals from the decision of the building official, and requests for variance from the requirements of this article. Any action of the construction board of appeals shall be in accordance with the provisions of this chapter. (Ord. No. 04-40, § I, 5-11-04)

#### **Sec. 8-516. Separate offenses.**

It shall be an offense for a person to park a vehicle on a landscaped area. It shall be an affirmative defense to prosecution under this section that at the time of the alleged offense the vehicle was parked or left standing due to a mechanical defect that made it unsafe to move, provided that the person having ownership or control of the vehicle obtained consent from the property owner to park the vehicle in that location, and as soon as reasonably possible completed emergency repairs or summoned tow removal equipment, as appropriate. Ten (10) days is considered a reasonable period to complete emergency repairs or remove the disabled vehicle. (Ord. No. 04-40, § I, 5-11-04)

#### **Secs. 8-517—529. Reserved.**

#### **Subdivision A. Recommended Tree Plantings**

#### **Sec. 8-530. Recommended quality tree species list.**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>
Amer. Elderberry	Sambucus Canadensis	Small
Car. Buckthorn	Frangula caroliniana	Small
Callery Pear	Pyrus calleryana	Small



Crape Myrtle	<i>Lagerstroemia indica</i>	Small
Deciduous Holly	<i>Ilex deciduas</i>	Small
Desert Willow	<i>Chilopsis linearis</i>	Small
Eve's Necklace	<i>Sophora affinis</i>	Small
Mesquite	<i>Prosopis glandulosa</i>	Small
Mexican Plum	<i>Prunus mexicana</i>	Small
Purpleleaf Plum	<i>Prunus cerasifera</i>	Small
Rusty Blackhaw	<i>Viburnum rufidulum</i>	Small
Texas Buckeye	<i>Aesculus arguta</i>	Small
Texas Persimmon	<i>Diospyros texana</i>	Small
Texas Redbud	<i>Cercis canad. 'Texana'</i>	Small
Wax Myrtle	<i>Myrica cerifera</i>	Small
Youpon Holly	<i>Ilex vomitoria</i>	Small
Cedar Elm	<i>Ulmus crassifolia</i>	Medium
Chinese Pistache	<i>Pistachia chinensis</i>	Medium
East. Red Cedar	<i>Juniperus virginianum</i>	Medium
Hawthorn	<i>Crataegus viridis</i>	Medium
Jap. Black Pine	<i>Pinus thunbergii</i>	Medium
Lacebark Elm	<i>Ulmus parvifolia</i>	Medium
Little Walnut	<i>Juglans microcarpa</i>	Medium
Afghan Pine	<i>Pinus eldarica</i>	Large Non-Canopy
Bald Cypress	<i>Taxodium distichum</i>	Large Non-Canopy
Black Pine	<i>Pinus nigra</i>	Large Non-Canopy
Eastern Red Cedar	<i>Juniperus virginiana</i>	Large Non-Canopy
Pond Cypress	<i>Taxodium ascendens</i>	Large Non-Canopy
So. Magnolia	<i>Magnolia grandiflora</i>	Large Non-Canopy
American Elm	<i>Ulmus Americana</i>	Canopy
Black Oak	<i>Quercus velutina</i>	Canopy
Bigtooth Maple	<i>Acer grandidentatum</i>	Canopy
Bur Oak	<i>Quercus macrocarpa</i>	Canopy
Chinquapin Oak	<i>Quercus muhlenbergii</i>	Canopy
Durand Oak	<i>Quercus durandii</i>	Canopy
Green Ash	<i>Fraxinus pennsylvanica</i>	Canopy
Gum Bumelia	<i>Bumelia lanuginosa</i>	Canopy
Ken. Coffeetree	<i>Gymnocladus dioica</i>	Canopy
Live Oak	<i>Quercus virginiana</i>	Canopy
Pecan	<i>Carya illinoensis</i>	Canopy
Persimmon	<i>Diospyros virginiana</i>	Canopy
Red Mulberry	<i>Morus rubra</i>	Canopy
Shumard Oak	<i>Quercus shumardii</i>	Canopy
So. Sugar Maple	<i>Acer barbatum</i>	Canopy
Sugarberry	<i>Celtis laevigata</i>	Canopy
Sweetgum	<i>Liquidambar styraciflua</i>	Canopy
Sycamore	<i>Plantus occidentalis</i>	Canopy
Texas Ash	<i>Fraxinus texenses</i>	Canopy
Texas Red Oak	<i>Quercus texana</i>	Canopy

Trident Maple	<i>Acer buergerianum</i>	Canopy
Water Oak	<i>Quercus nigra</i>	Canopy
West. Soapberry	<i>Sapindus drummondii</i>	Canopy
White Ash	<i>Fraxinus Americana</i>	Canopy

(Ord. No. 04-40, § I, 5-11-04)